Commentary

Volume Sixty-eight, Number Three, September 1979

OIL AND AMERICAN POWER Six Years Later

Robert W. Tucker

JUSTICE DEBASED: The Weber Decision

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"HUMAN RIGHTS" AT HARVARD LAW SCHOOL

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LONELINESS—A Story

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MOVIES: JOHN WAYNE'S IMAGE

Richard Grenier

BOOKS:

Michael Ledeen
Stephen J. Whitfield
Michael Novak
Werner J. Dannhauser
Bernard K. Johnpoll
James Q. Wilson

An Exchange on Nuclear Energy: Samuel McCracken & Critics

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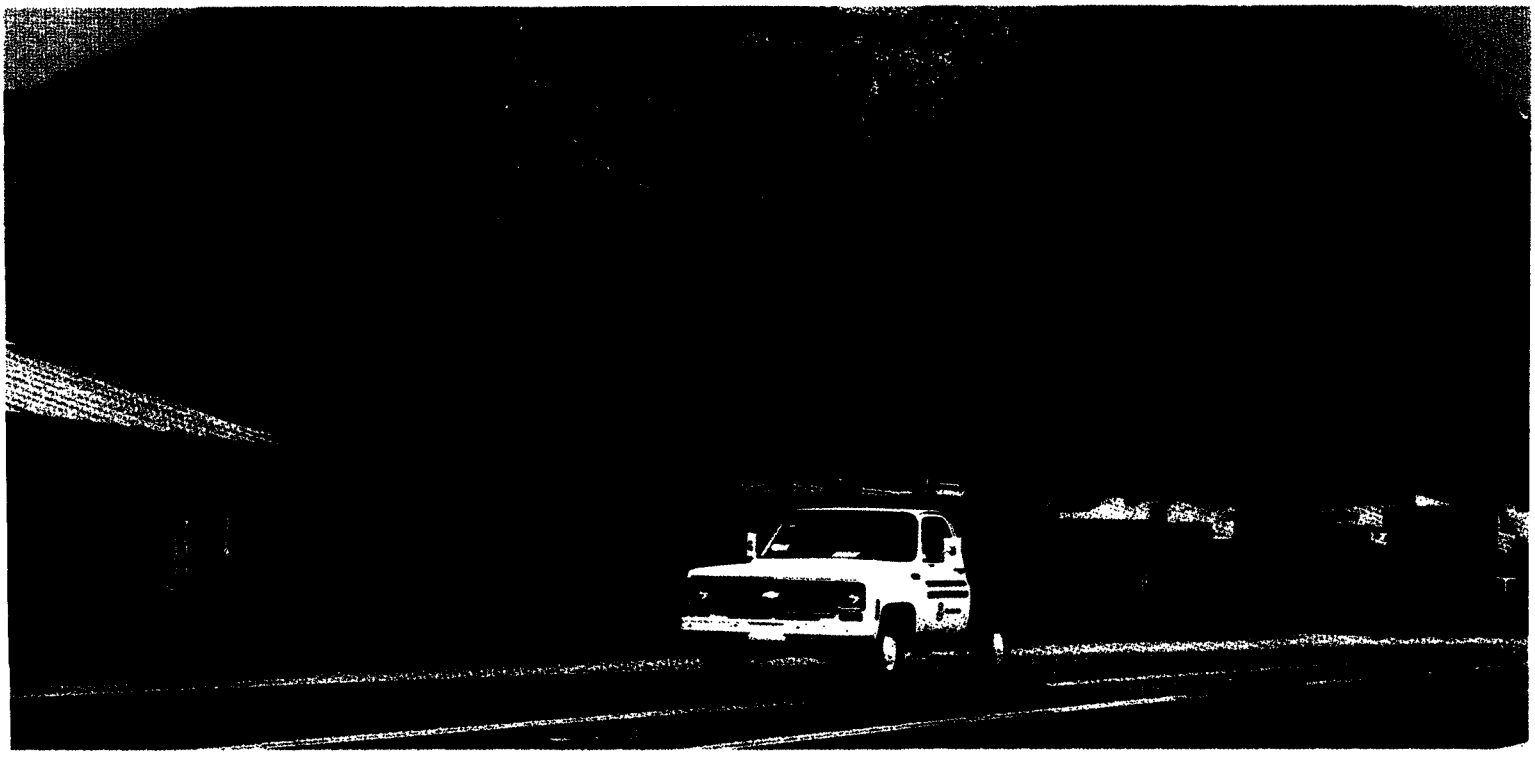

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Commentary

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Letters from Readers

Nuclear Energy

TO THE EDITOR OF COMMENTARY:

It is most heartening to see COMMENTARY stand up to the anti-nuclear witch-hunt with another excellent article by Samuel McCracken, "The Harrisburg Syndrome" [June].

I would, however, like to supplement (not contradict) a point about meltdowns. It is true that the Three Mile Island unit #2 was at no time near a meltdown; it is also true that a meltdown, "once it starts, is irreversible." But it should be added that even if a meltdown did occur, it would not necessarily lead to large-scale loss of life, or even, necessarily, to any casualties at all.

We have some experience from the steel industry, where hearth and ladle failures have led to charges of up to 250 tons of molten steel spilling onto the floor. I have interviewed metallurgist Edward Kaminski, an eyewitness to three such incidents (1949-51) in Youngstown, Ohio. In the worst of these incidents, the distance to which the metal melted toward China before it solidified was about 5 inches. While it is true that molten steel does not, like fission products, generate heat beyond its initial heat content, the analogy is a guideline for putting the "China syndrome" in perspective.

It is, in any case, not this aspect of a meltdown that is the greatest danger; that comes from the radioactive volatile particles and gases that might be released into the atmosphere. It is the purpose of the containment building to prevent this type of release *after* a meltdown. It is highly reassuring to know that the Three Mile Island unit #2 containment building did better than that—it contained a hydrogen explosion without difficulty.

But even if the gases did somehow get out, a very special weather situation would be needed before massive loss of life would occur; and even then it is unlikely that the toll could be as large as that threatening several U.S. cities with far higher probability if a dam above them failed (more than 100,000 fatalities).

A meltdown is, of course, extremely dangerous and I hope none will ever happen; but it is not the ultimate catastrophe depicted by the anti-nuclear scaremongers.

PETR BECKMANN
University of Colorado
Boulder, Colorado

TO THE EDITOR OF COMMENTARY:

Apropos Samuel McCracken's observation that "the anti-nuclear movement is certainly heartened by the 'disaster' [at Three Mile Island]," shortly after the event, Dick Cavett explained to one of his guests that he "loved Three Mile Island" because of its impact on pro-nuclear advocates. There really would have to be someone skilled in poetic expression to offer a description of Cavett's gleeful body-language accompanying this remark. Just imagine someone saying that he loved the Gulag because of what it would do to the defenders of Stalin! . . .

TIBOR R. MACHAN
Santa Barbara, California

TO THE EDITOR OF COMMENTARY:

Samuel McCracken argues in convincing fashion that *"The China Syndrome* is . . . a consistent act of fabrication." Yet what we find disturbing is not the fabrication, but . . . the film's powerful and insidious effect: as the dramatic tension rises, the viewer finds himself taking an extreme stand on the complex issue of nuclear power. We fear that when the viewer must consider this issue as a citizen, Jack Lemmon's blood and Jane Fonda's tears will displace a rational analysis of the pertinent scientific, economic, and social factors.

The effect of Michael Douglas's film upon many of our Harvard classmates illustrates what we find disturbing. Two weeks after *The China Syndrome* opened, several petitions circulated on campus demanding a ten-year moratorium on the construction of new nuclear plants and an immediate closing of existing plants. Those distributing the petitions would talk about the issues only in the argot of their movement. Many were convinced of the cogency of the argument that "if there is any question about nuclear safety, why not shut down the nuclear industry and instead develop solar power?" Yet there

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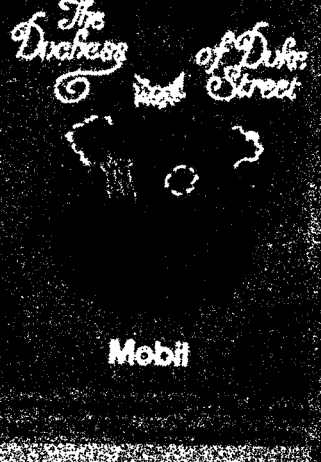

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was no discussion of the technical or economic problems associated with the development of solar power (or of other sources of energy). Instead, there was protest without understanding. . . .

Mr. McCracken has done more than simply identify the many distortions and inaccuracies of Douglas's film. He has described a process whereby . . . stark and simple images have replaced complex realities.

MICHAEL AARON WEISS
STANLEY DAVID WEISS
Harvard University
Cambridge, Massachusetts

TO THE EDITOR OF COMMENTARY:

Having been educated as an engineer as well as a psychologist, I found myself in agreement with the viewpoint, if not the conclusions, of Samuel McCracken's article. I was taken aback, however, by his report of a nuclear engineer's agreement with the "suggestion that a klaxon sound sharply during illegal operation," even when such operation might be necessary to keep things from getting worse. A loud noise can significantly reduce the operator's decision-making capacity. . . . The proposed klaxon would cause slower decisions, a higher likelihood of error, or both. Unfortunately, the engineers who designed the plant at Three Mile Island may have been as ignorant of human factors as Mr. McCracken's interlocutor. The indicators and controls facing the operator appear to have been so confusing that the plant was, from the beginning, a "human error waiting to happen." The error that did finally happen was probably caused by inconsistent indicators: green for open and red for closed for some valves; the reverse for others.

Avoiding another accident like the one at Harrisburg calls for a redesigned control system incorporating unambiguous displays and controls, as well as an interlock system with emergency override switches built into the control levers. Courses in man-machine systems should be incorporated in nuclear engineering curricula, so that nuclear engineers will know when they need to consult with a human-factors engineer or an engineering psychologist. Most important of all, the management must be provided with a financial incentive for safe operation. Such incentives are normally provided by a linkage between safety practices and insurance rates. Under the Price-Anderson Act, however, insurance for the nuclear-power industry is provided by a government-sponsored consortium which, unlike private insurers, is not allowed to link insurance rates to safe operation. This is justified to the public on the grounds that the NRC has sole authority over nuclear safety. Unfortunately, government regulation, even when it works, can only secure minimal adherence to minimum standards. Nuclear power does indeed have the potential for becoming the safest large-scale energy technology possible, but this potential will not be realized as long as a linkage between safety and insurance rates is prevented. . . .

ADAM V. REED
New School for Social Research
New York City

TO THE EDITOR OF COMMENTARY:

Samuel McCracken refers to the Creative Initiative Foundation in footnote 7 of his article. The Creative Initiative Foundation is a nonprofit educational foundation in Palo Alto, California. Our membership includes many professional, engineering, and management people in the San Francisco Bay Area and other locations in the United States.

The Creative Initiative Foundation was formed in 1968 to pursue worldwide education concerning the changes needed in attitudes of individuals in order to survive meaningfully in this age. It has always existed and worked as an independent entity. Specifically, in reference to footnote 7, the Creative Initiative Foundation has never been connected with Project Survival, as Mr. McCracken states, either as its parent or otherwise.

DONALD F. LUNDGREN
Palo Alto, California

TO THE EDITOR OF COMMENTARY:

Samuel McCracken's article shows that the extremists on both sides of the nuclear issue overstate their cases to the confusion of decent people who know how to read.

On the basis of the study of materials coming from both sides and, more important, from serious scientists and economists who stand in the middle, I have learned that:

1. Uranium is in such short supply and so high-priced that it is now barely competitive with OPEC oil.

2. Furthermore, known uranium reserves will be substantially depleted by the present rate of usage early in the next century.

3. Capital cost overruns and the cost of additional safety precautions mandated by the NRC, as well as the nuclear fuel situation, have raised serious questions as to the "economies" of nuclear power.

4. From the long-range economic viewpoint—considered today with 20-20 hindsight—we have devoted too many dollars to nuclear power, and too few to solar power and coal.

5. The breeder reactor, according to reliable technologists, is still too dangerous and may never solve our power problem.

6. Nuclear-waste problems are still unsolved—that is, we do not yet know how to store nuclear waste safely for the next few millennia and how to move it safely from the reactor to its eventual resting place.

Mr. McCracken's failure to take up any of these points is some indication that his pro-nuclearism is just as extreme and oversimplified as the anti-nuclearism of *The China Syndrome*. . . .

HAROLD MANHEIM
New York City

TO THE EDITOR OF COMMENTARY:

I have read Samuel McCracken's "The Harrisburg Syndrome" and his previous article on nuclear power ["The War Against the Atom," September 1977]. I would appreciate his responses to several points.

1. Mr. McCracken ridicules the Union of Concerned Scientists for touting past emergency-core-cooling-system failures while ignoring a recent success. While the 1970-71 loss-of-coolant-accident tests were not solely for the purpose of testing the ECCS, the fact is that the ECCS repeatedly failed to work as predicted. This failure was serious enough for the Atomic Energy Commission to order a special in-house review of the ECCS.

Mr. McCracken's position is no less perfidious than the one he ascribes to the UCS: Mr. McCracken himself did not accept the earlier tests showing ECCS failure but now demands that the UCS reverse its position based on one success. Rational advocates of nuclear power have, on a number of occasions, expressed admiration for the UCS's role in improving the ECCS design, especially in the bumbling AEC climate of the early 1970's. Even though AEC studies identified the ECCS as a critical compo-

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nent of reactor safety, ten years later we have a mixture of test results showing some failures, some successes, and a lot less assurance than we need.

2. One area sorely needing attention at some point in Mr. McCracken's spirited defense of nuclear economics is the massive and continuing federal subsidy for nuclear power. In 1978, according to the General Accounting Office, federal taxpayers contributed 6.2 mills for each kilowatt-hour generated from nuclear plants, 40 per cent of the commercial cost—a subsidy which has been increasing in recent years. Including breeder, but not military, expenditures, Battelle Laboratories calculates federal subsidies to commercial nuclear power at $1.83 per million BTU, or 20 mills per kilowatt-hour—a staggering 120 per cent of commercial cost. Using either estimate, the economics of nuclear power have a definite "Made in Washington" stamp on them.

True, many private activities have benefited from an initial government boost—but after twenty-five years, taxpayer assistance at a 40 per-cent clip (with no end in sight) is getting a bit old. True, other energy sources also receive a subsidy. Coal, for example, including all federal research-and-development, black-lung payments, and advance-system research, received a subsidy of roughly $1.25 per ton in 1978, or 0.7 mills per kilowatt-hour —9 times less than nuclear's largesse.

3. Mr. McCracken asserts that "solutions for radioactive-waste storage have already been found" and that nuclear critics' failure to acknowledge this is the "major moral scandal of the movement." I expected Mr. McCracken to follow this assertion with some hard evidence of long-term nuclear waste-handling success to offset all the stories we hear about leakage, sometimes by the railroad-tank-carful, from storage projects so far built. And what does Mr. McCracken offer? That France has just started up a vitrification plant (no data presented) and Germany will "soon" open a repository. Since every known nuclear project has operated perfectly at projected cost unmarred by any unexpected complications, Mr. McCracken has certainly proved major moral scandal.

Mr. McCracken's failure to apply his well-developed skepticism to such items as this is certainly puzzling. I commend to him the observation of Dr. Mason Willrich, certainly no nuclear critic, that tempting and too-quick claims of proven success in nuclear-waste management amount to no more than "an illusion of certainty." Real success can be claimed only after the long haul.

Willrich's conclusions regarding nuclear-waste management are owed some weight since they have been reviewed and endorsed by such luminaries as Drs. Norman Rasmussen and David J. Rose. Willrich, and the recent report of the Interagency Review Group, conclude that the nuclear-waste problem may well be solvable—even given a long and gloomy list of major uncertainties clearly showing the difficulties, institutional changes, and costs involved—but they do not claim it has been solved or that a solution is imminent. Responsible nuclear advocates seem to realize that sounding the clarion too soon will only reinforce public cynicism built by a decade of exaggerated nuclear promises.

Further, Willrich ("Radioactive waste management will be a continuing challenge for government throughout the nuclear age and perhaps for many centuries beyond"), the IRG ("Disposal may prove difficult to implement in practice and may involve residual risks for future generations which may be significant"), and the Energy Research and Development Administration's chief of waste management have all admitted that future generations may be obliged to bear the costs and risks of our atomic enterprise. If Mr. McCracken is interested in major moral scandals, here surely is one.

4. A related area deserving of more skepticism from Mr. McCracken is the current set of glib estimates for nuclear-waste disposal and decommissioning. The figures Mr. McCracken cites, without analysis, do indeed include minimal costs assigned to such long-term tasks, but there is little reason to believe that they are accurate. Solemn 1962 estimates placed long-term nuclear-management costs for the West Valley reprocessing plant at $4 million—a projection which in 1978 seems a mere 100 to 200 times too low, and may be much, much more than that. Estimates for managing used military-nuclear facilities jumped from a few hundred million in the late 1960's to $20 billion today with no end in sight. New Jersey Public Service Electric and Gas recently judged that decommissioning its Oyster Creek reactor would cost 35 per cent, in constant dollars, of that plant's capital cost.

If Mr. McCracken is looking for a real moral scandal, he should probe the congressional hearings on West Valley costs in which the NRC's Dr. Clifford Smith admitted current electricity rates for nuclear plants "do not reflect the total and ultimate cost of disposing of nuclear waste perpetually"—which means those costs will fall disproportionately either to future consumers or, worse, to future generations who receive no benefit from the plant.

The types of estimates used by Mr. McCracken usually are based on Atomic Industrial Forum figures (which, among other things, omit such minor factors as inflation, contingencies, and Murphy's Law) and formulas which permit 50-year-old nuclear companies to "entomb" nuclear plants for 100 to 150 years before final dismantlement, financed by a sinking fund made up of minimal-estimate contribution—*à la* West Valley. How the NRC can guarantee the financial ability of either the company or its financial institutions—given the hundreds of thousands of U.S. businesses which have failed since 1940 alone—is a mystery to all. One thing is sure, however: according to the AIF, nuclear plants will remain dangerous for 234,000 to 505,000 years if not dismantled, and current funding practices indicate future generations will be picking up both the risk and the tab.

One more moral scandal for Mr. McCracken to investigate—those of anti-nuclear activists pale by comparison.

5. Yet another savage misrepresentation is the way some nuclear proponents, with Mr. McCracken's assistance and the unquestioning allegiance of such publications as *National Review*, have pinned primary responsibility for nuclear cost increases on the critics. True, legal delays and other interventionist challenges do add to nuclear costs —but they account for fewer than 5 per cent of the cost increases, according to best estimates. A 1973 Federal Power Commission study revealed the remaining 95 per cent of the cost increases are caused by utility and industry delays, rescheduling, strikes, late delivery of parts,

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breakdowns, financial troubles, and other management problems. A 1976 follow-up study produced nearly identical results, and its author concluded, "legal challenges, environmental reviews, and public participation in the existing process simply have not been statistically significant" causes of delay.

True, an environmental group did file suit to bring nuclear plants under National Environmental Policy Act review—but Mr. McCracken's real target here (assuming it is his position that nuclear plants should be immune from NEPA) is Congress, which passed NEPA and has not exempted nuclear projects through that same "democratic process" he praises in other contexts. True, environmental-review criteria do raise the cost of nuclear plants, especially when they change in midstream, but if Mr. McCracken is going to blame this on environmentalists and nuclear opponents, he is going to have to show—on a case-by-case basis—which environmental factors are unnecessary and attributable to nuclear opponents and how much they cost to enforce. Neither Mr. McCracken nor any other nuclear advocate has shown that, to my knowledge.

For Mr. McCracken and others to insist that nuclear opponents are the major cause of nuclear cost increases—in the absence of documentation and the presence of several studies which indicate just the opposite—is surely the epitome of moral scandal. The best correlation (from William Mooz, now with the UCS, so Mr. McCracken probably won't give him much credibility) is between nuclear cost increases and the number of orders processed by regulators and industry—a simple supply/demand correlation which incidentally explains the slowdown in nuclear inflation as due to the slowdown in nuclear orders, despite the fact that public interventions have never been higher than today.

6. When Mr. McCracken mentions nuclear referenda, he might include the strict set of nuclear restrictions approved by 65 per cent of Montana's voters in the 1978 general election. This approval came despite an opposition campaign financed by nearly 100 major nuclear utilities and corporations which spent more against the measure than has been spent on any ballot issue in modern Montana history. While Montana is not a typical state (which is?), neither can a state which voted heavily for Gerald Ford in 1976 be called radically environmentalist.

Finally, I chuckled when I read Mr. McCracken's comment that some nuclear opponents would be horrified at the prospect of a solution to the nuclear-waste problem. Probably true, in the same way some nuclear advocates would be horrified at a solar breakthrough. I believe such a nuclear-waste "solution" (or a solar breakthrough) would be occasion for much rejoicing on both sides, and I hope Mr. McCracken is charitable enough to concede the critics at least that much. . . .

MIKE A. MALES
Helena, Montana

SAMUEL MCCRACKEN writes:

It is always heartening to receive praise and enlightening commentary from Petr Beckmann, God's angry, but rational, man on energy as on so many other issues. His newsletter, *Access to Energy*, remains an irreplaceable national resource for the layman who wants to understand what energy is all about.

TIBOR R. MACHAN is quite right. Nuclear energy has become, among the New Class, what Nazism is among decent folk, something whose badness is too obvious to mention. But one cannot imagine a 1945 Cavett saying that he "loved" the revelations coming out of Auschwitz. Not, of course, that Three Mile Island is really the equivalent of the Gulag or the extermination camps. Its hideousness is entirely in the eye of the beholder.

MICHAEL AARON WEISS and Stanley David Weiss make a very valuable comment: the anti-nuclear madness is related to an abdication of reasoned discourse that blights discussion and implementation of policy in many other areas. This, I believe, is partially because as the educated become increasingly intolerant of dissent within their own ranks, they tend to treat ideas as one great collocation of meta-clichés. Given my heretical views on nuclear energy, I must constantly explain that I am not (a) a nuclear engineer or (b) a conservative, not to say a card-carrying fascist. This is really rather strange, for technology used to be the opiate of the intellectuals. One need only recall Lenin's dictum that "Soviet power plus electrification equals Communism." In the West, the late Hewlett Johnson, the "Red Dean" of Canterbury, used to produce paeans to electricity that would now affront most intellectuals, wherever the electricity was coming from. One does not meet many intellectuals who support nuclear energy, and this is in large part because intellectuals increasingly wield a bundle of only superficially related beliefs that are bound together as tightly and as externally as the rods in the Roman *fasces*.

ADAM V. REED and I are probably in greater agreement than seems apparent from his letter (although I should point out that my viewpoint is not that of an engineer, but of a Chaucer scholar). By "klaxon" I meant no more than an audible signal that operating-room personnel would have difficulty in ignoring. A sudden—and easily quieted—burst of Mozart would do as well. Moreover, I would agree that nuclear control rooms ought to reflect our best understanding of human-factor engineering and hold no brief that they already do. One of the most unfortunate effects of anti-nuclear extremism is possibly to inhibit the development of the sort of rational improvements advocated by Mr. Reed, who seems to be exemplary of the kind of critic nuclear power needs.

I am less certain about the malign influence of the Price-Anderson Act on safety, largely because Price-Anderson covers only public liability, and not damage to reactors. If it were possible to combine NRC minimum standards, compliance with which is necessary for licensing, with underwriter-developed higher standards for reduced premiums, that would seem reasonable enough. The problem is to be entirely sure that the insurance company regulations do not conflict with and dilute the NRC ones. It is not likely that insurance companies will develop expertise in nuclear safety as long as they have no need of it for rate-setting. But the idea—even for liability insurance—is worth exploring, possibly through funded research by Underwriters Laboratories.

I AM grateful for Donald F. Lundgren's suave "clarification" of the relation between the Creative Initiative Foundation and Project Survival. For my original statement of the relation between the two, I

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relied on a lengthy published interview with William Burch, described as the first president of Project Survival as well as the president of the Creative Initiative Foundation. In the interview, Mr. Burch was quoted as giving a clear account of the genesis of Project Survival: the Creative Initiative Foundation had begun to get deeply interested in fighting nuclear power, and in early 1975 members of the Foundation set up Project Survival, supplying it with money as individuals and turning over to it research that had been accomplished by the Foundation. Mr. Burch was twice quoted as explaining the importance of formally separating the tax-exempt "educational" Creative Initiative Foundation from the non-exempt "political" Project Survival. I suspect Mr. Lundgren writes in the same spirit. Perhaps I should have said that Project Survival was the natural child of the Creative Initiative Foundation, but if the account on which I relied was inaccurate—a question on which Mr. Lundgren's letter sheds no light—I am happy to stand corrected.

BOTH Harold Manheim and Mike A. Males raise the question of radioactive waste, albeit in rather different ways. Let me deal with this broad issue before proceeding to the rest of their comments.

Mr. Manheim's claim that we do not know how to deal with waste, repeated *passim* and *ad infinitum*, has the kind of vitality and widespread uncritical acceptance otherwise vouchsafed only to such phrases as "the dog is a noble animal." The elevated company it keeps does not, however, make it true. Writing in these pages ["A Tale of Two Wastes," November 1978] Bernard L. Cohen has shown the triviality of the nuclear-waste problem, especially as compared to the serious and unsolved difficulties inherent in disposing of waste from coal.

Messrs. Manheim and Males (along with 99.44 per cent of all those who discuss the topic of waste disposal publicly) confuse two very different requirements. One is the technological necessity of developing sound programs for managing radioactive wastes, and the other is the political necessity to choose such a means from among those technology develops. The former has been accomplished, but in this country the latter remains to be done. It is as if people went about saying, "We have no idea how to make an airliner that will fly faster than the speed of sound," ignoring the existence of the *Concorde*. (Lest I be misunderstood here, I should add that the mere existence of the *Concorde* does not in itself disprove the statement, "We have no idea how to make a *commercially successful* airliner that will fly faster than the speed of sound.")

Although I have discussed the issue in these pages before (I am amazed that Mr. Manheim should castigate me for ignoring it when I explicitly addressed it in my June article), the topic is important enough for recapitulation. Let me begin by laying out some of the details of the waste-management process.

As the nuclear reaction proceeds in the core of a reactor, in addition to the liberation of energy, some of the atoms in the fuel rods are transmuted into a wide variety of radioactive isotopes. With the exception of plutonium, these are essentially useless. Plutonium is not waste at all, but immensely valuable—the most valuable—fuel. After some months of operation, the waste products begin to affect the efficiency of the fuel rod, and it is removed from the reactor and replaced with a fresh one. Beside the waste products and plutonium, the spent rod contains unfissioned uranium. It is intensely radioactive and physically hot as well.

The spent rod is immersed in a tank of water near the reactor, where it gradually becomes less hot in both senses. It should be understood that length of half-life and intensity of radiation are inversely proportional. If a radioactive isotope has a half-life of one second, one-half of the atoms in any quantity of it will disintegrate each second, creating intense radioactivity. On the other hand, any given quantity will be essentially annihilated in about ten seconds. If a radioactive substance has a half-life of a million years, it will take one million years for one-half of the atoms in a given quantity to disintegrate. This is a very slow rate of disintegration, and produces a much lower level of radiation. In fuel rods, the various radioactive isotopes decay at a rate proportional to their radioactivity, the hottest ones most rapidly, and the level of total radioactivity in the fuel drops sharply.

The foregoing paragraph, regrettably, describes the entire operational U.S. nuclear-waste-management program as presently conducted. The steps that should follow it have been suspended by order of the federal government. There is no reason in theory why we cannot continue this way indefinitely, given the building of additional storage capacity, but there are two very good reasons why we should not. First, the plutonium and uranium in the rods represent an immense fuel resource; and second, as the rods cool, the plutonium becomes increasingly accessible to thieves.

The next step should be reprocessing: the dissolving of the fuel rods and the extraction of the plutonium and uranium for use as fuel. Our present suspension of reprocessing makes impossible the implementation of a rational waste-management strategy. Until recently, it was proposed to bury spent fuel rods, still containing large amounts of uranium and plutonium, at a site in New Mexico. This dubious plan has been withdrawn, but nothing has been adopted in its place, although the NRC has begun to work out plans for developing criteria of choice. This development, little as it is, is at least an improvement over past inaction.

After reprocessing should come calcination/vitrification, whereby the liquid waste is converted to a sand-like material, and made into glass. And, finally, the vitrified waste should be entombed in geologically stable formations. After about a thousand years, the level of radioactivity in the glass falls away to a point lower than that of the uranium ore from which the waste was originally derived. That is, over thousand-year spans, the effect of a light-water reactor is to *reduce* the level of radiation in the world. A breeder reactor, which annihilates uranium atoms at a faster rate, reduces radiation even faster.

This chain of events, from spent fuel rods to glassified waste, is not simply a proposal or even a pilot project. All the steps except entombment are now in use on a commercial scale in France, and that final step simply awaits the cooling down of the vitrified waste to a temperature satisfactory for further handling.

As it happens, most of the liquefied waste now stored in this country is from the weapons program

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Passover, the "Had Gadya," and the Jewish people.

The *Had Gadya*, a popular Aramaic song chanted at the end of the *seder*, narrates the fortunes of an "only kid" bought by a father for two coins. According to scholars, the song is of late medieval origin, and is based on German and French folk sources. It appears for the first time in a Haggadah printed in Prague in 1590, and like the other concluding songs of the *seder*, was incorporated into the Haggadah for the amusement of the children.

In the folk song, a series of tribulations besets the little kid, ending finally in the joyful triumph of the Holy One, Blessed be He, over the forces of darkness and death. Traditional commentators have considered the *Had Gadya* a symbolic parable of Jewish history, with long centuries of oppression and persecution at the hands of other nations culminating in messianic redemption at the end of time. The *Had Gadya* is thus an especially poignant and evocative theme for a Jewish artist to explore in the Soviet Union of today.

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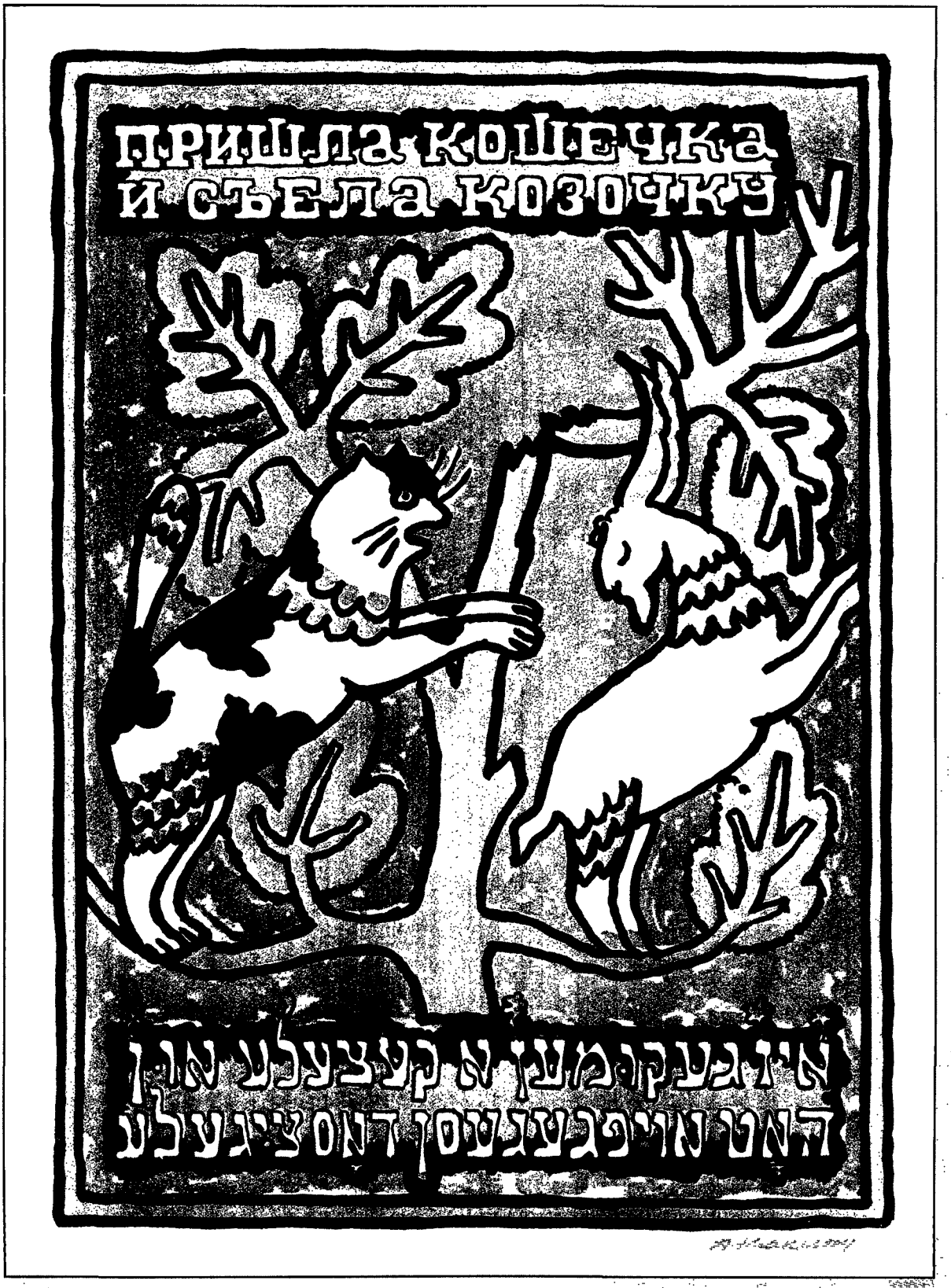

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The Cat and the Kid by Anatoly Kaplan

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(so that the necessity for successful waste management would remain even if every power reactor in the country were shut down tomorrow), and the major spills of liquid waste have been from archaic and obsolete storage facilities designed during World War II. The important point is that we have large amounts of liquid waste on hand because of our failure to adopt a strategy for permanent storage; thirty-year storage of liquid high-level waste is not essential to waste management in a world that knows the vitrification process or alternatives now under development, e.g., the conversion of liquid waste to a ceramic form.

Mr. Males, having misrepresented accidents in the storage of largely military waste as somehow relevant to a mature system of civilian waste management, complains that I have not provided data on the French program at Marcoule. This is rather like saying that I have not provided evidence that the *Concorde* really does exceed the speed of sound. I don't know what I can do to convince Mr. Males that this major facility exists, short of taking him to France to see it. I might also note that vitrified waste produced in a large British pilot program as long ago as 1966 was recently examined and found to be in original condition, a result confirming earlier accelerated-aging tests.

Mr. Males quotes me as saying that Germany will "soon" open a repository, but I said no such thing: I merely noted that the Gorleben facility is "well along in development" and made no estimate when it will be in operation. Recently the governor of the German state in which Gorleben is located put the whole project on hold, for the explicit reason that it was politically—not technically—too controversial.

Now, if nuclear critics were to allege specific inadequacies in the vitrification process (as a very few have, usually only of certain elements in it), I might disagree, but would not think it a moral scandal. But I persist in believing that this is the right phrase for the cover-up, which continues more or less unabated.

I would agree with Mason Willrich that it is misleading to claim actuality for proposals, a habit which is extremely common among proponents of "alternative" energy sources, but the French operation is not a proposal, it is an actuality. And if real success in nuclear-waste management can be claimed only after the long haul, the same is true, given a long-haul process under way, for real failure. Willrich's 1977 book on waste management limited itself entirely to the United States, and discussed the vitrification process entirely in its tentative U.S. state, rather than in the more highly developed forms evident in Britain and France.

The residual risks to future generations from nuclear-waste disposal are tiny compared to those inherent in our consumption of petrochemical feed-stocks for fuel. Any energy policy based on fossil fuels is a policy that will, in the long run, deprive future generations of the chemical basis of modern society into the bargain. If the policy also forswears the nuclear option, it will sharply limit future access to energy more concentrated than that produced in wood-burning stoves and the bodies of mammals. There is a scandal indeed.

MR. MANHEIM's letter as a whole is an aggravated example of a familiar complaint, namely, that an author has written the article he has written rather than some other article. In this case, Mr. Manheim appears to be objecting to the fact that I have written an article about Three Mile Island, rather than a general piece on the problem of nuclear energy. The aggravation comes in the fact that I *have* published just such a piece in these very pages ["The War Against the Atom," September 1977], and explicitly referred to it in my more recent piece. As it happens, I dealt with each of Mr. Manheim's points two years ago, but let me have another go at them.

1. The price of OPEC oil is a moving target, but I know of no energy economist of any persuasion who would agree with Mr. Manheim that uranium is "barely" competitive with OPEC oil. As a fuel (ignoring capital costs) uranium "yellow-cake" at $43 a pound is the equivalent of oil at $3 a barrel. (A standard 500-kilogram barrel of yellow-cake supplies electricity for a town of 8,000 for a year.) Electricity from nuclear plants is still considerably cheaper than that from oil-fired ones, even after nuclear has absorbed its substantially higher capital costs.

2. The short answer is that the "known reserves" of oil and indeed of many other minerals will be "substantially depleted" by early in the next century. But the known reserves keep increasing, especially in response to rising uranium prices. For example, at present prices it has become economical to "comb through" uranium mill tailings and extract residues once left as worthless. Environmental regulations, naturally, make it very difficult to pursue this process, but even so, at least one determined uranium firm is succeeding in reducing a giant tailings pile and gaining a new domestic energy source thereby. For another example, recent estimates place South African reserves at 355,000 metric tonnes at $30 a pound, but 625,000 tonnes at $50 a pound. The supply expands almost precisely in step with the price. This is not, of course, because of any conspiracy, but because higher prices justify working thinner deposits.

And we need not limit ourselves to U-235, the fissionable isotope. Of U-238, the fertile isotope, suitable for use in fast reactors, we have several centuries' worth already mined and lying presently useless near enrichment plants, with very much greater supplies still in the ground. "Natural" uranium, it must be remembered, contains about 150 times as much U-238 as U-235. Finally, fast reactors can also be run on thorium, which is much more plentiful than uranium.

3. The various charges mentioned by Mr. Manheim are already being paid for by electric ratepayers on their bills, and nuclear power is still almost always cheaper than the alternative. Customers of Boston Edison can track the refueling cycle of the Pilgrim I reactor by watching the undulations of the fuel-adjustment charge on their bills.

4. Judgments of this sort are sustainable only by the question-begging process of declaring nuclear energy unsatisfactory and its alternatives satisfactory. If coal and solar power were more desirable energy sources than nuclear, Mr. Manheim would be quite right. But he has not proved his case that they are.

5. Mr. Manheim does not name his "reliable technologists," but they appear to be ignorant of flourishing British and French breeder programs. Many American critics of nuclear power appear to believe that the stumbling breeder program that finally died with the Fermi plant near Detroit was the

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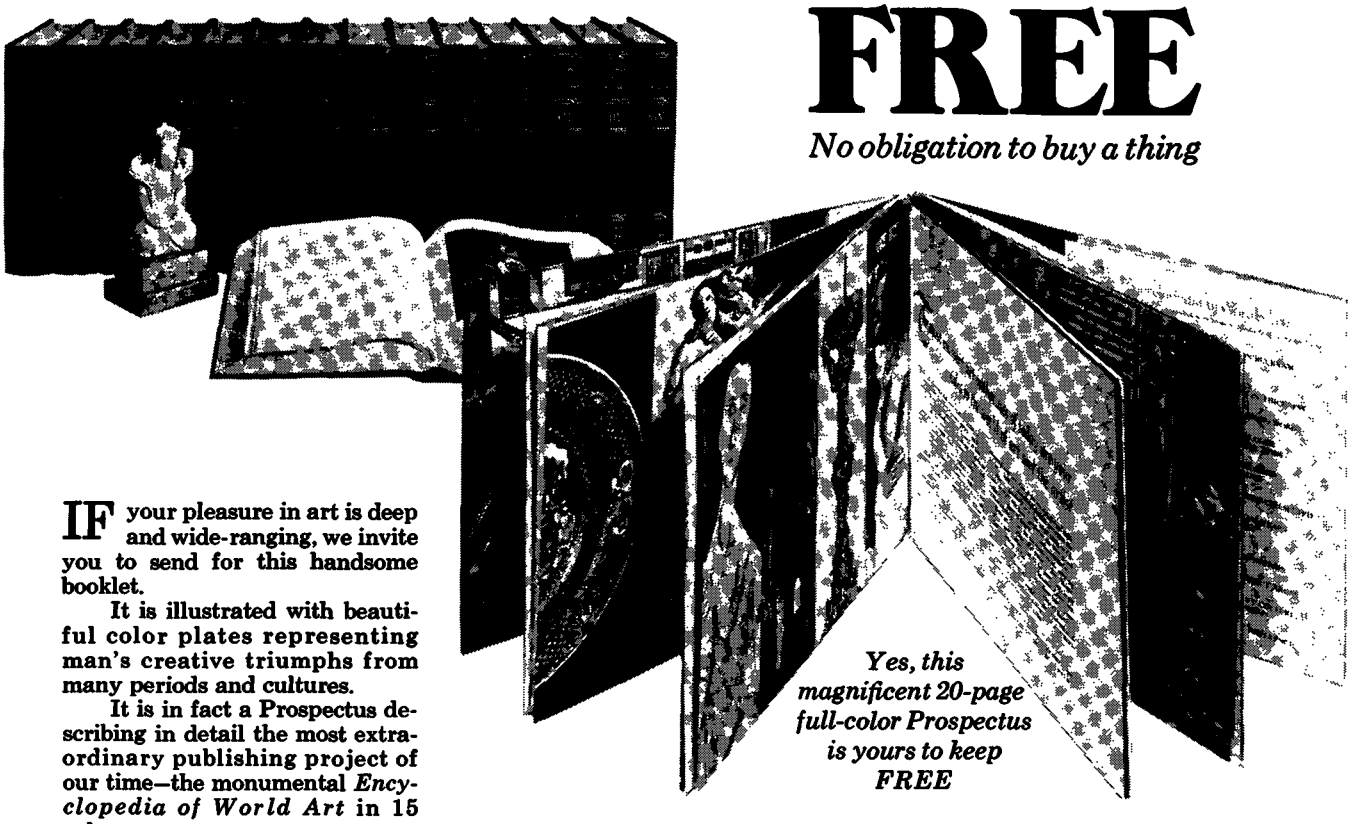

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only one ever attempted anywhere, and that the development of breeder power depends on the controversial Clinch River project.

LET me take up the rest of the points raised by Mr. Males *seriatim*, by his numbers.

1. He badly misunderstands my objection to the position of the Union of Concerned Scientists on the LOFT tests. First of all, I did not regard the earlier series of tests as definitively proving the ECCS unreliable, because they did not in fact test the ECCS in a simulation of an operating, full-sized plant. But I have no ethical objection whatsoever to the UCS citing these tests as raising doubts about the reliability of the ECCS. What I do object to is a UCS mailing which, well after the December 10 test, stated that the LOFT tests had consistently failed. This statement, not to put too fine a point on it, is a lie. I do not, as Mr. Males suggests, demand "that the UCS reverse its position based on one [now two] success[es]," but I do expect the sort of honesty one expects from direct-mail merchants.

2. Mr. Males's cost studies (I have not been able to trace the GAO study, even at the GAO) charge all federal spending on nuclear energy, including ongoing research, to the electricity now being generated. That is, they illegitimately add to the cost of electricity being generated in 1979 research into how we will be generating electricity in 2025. Moreover, the Battelle report does *not* exclude military expenditure, for it adds in the cost of fuel enrichment plants built for bombs and now fortuitously amortized by civilian payments for enrichment. Even on this preposterous assumption, the "subsidy" to nuclear energy is about the same as that given to hydropower, and much less than that given to oil. Amortized over thirty years, it would work out to 10 per cent of the price of nuclear energy, not the 120 per cent claimed by Males. The *actual* federal expenditure on light-water technology has been $3 billion, and the real subsidy is thus no more than 2 per cent of the price of the electricity. For this small premium—much less the price advantage of nuclear over oil—we displace hundreds of millions of barrels of OPEC oil each year. Clearly a bargain.

4. Escalating estimates of the cost of cleaning up after the bungled West Valley plant is a favorite anti-nuclear parlor game, always presented without analysis or documentation, and Mr. Males's figure is among the highest I have ever seen. He neglects to mention that the wastes at West Valley are almost entirely military, and largely irrelevant to any discussion of civilian nuclear-power programs.

Mr. Males's assertions about the Oyster Creek plant are even more interesting. First of all, it is owned not by New Jersey Public Service Electric and Gas, but by Jersey Central Power and Light. Next, this utility's estimate for the decommissioning of the Oyster Creek plant ($35 million in 1969 dollars) was derived for the purpose of establishing a rate base charge for decommissioning. In order to provide this sum by the time it is needed, the amount added to the cost of electricity is about one-third of a mill—that is, a thirtieth of a cent—per kilowatt-hour.

It is interesting that Mr. Males does not cite the amount of this charge, which is sufficient to pay what he suggests is the very heavy cost of decommissioning, and which thus illustrates the important truth that it is possible to build up very large sums indeed if one can collect a little bit of money from a lot of people over a long period of time. But, of course, Mr. Males is not interested in showing that decommissioning costs are tolerable, and already being met in the rate base.

But this is not his only sleight-of-hand, for he singles out Oyster Creek, a comparatively large plant built just before the great price rise in nuclear plants, and therefore certain to yield an abnormally high ratio of decommissioning to construction cost. Decommissioning one large reactor is much like decommissioning another, and the $100 million it would cost in 1997 to decommission the $110 million Oyster Creek plant would, at 7 per cent annual inflation, rise to about $200 million in 2009, sufficient to decommission a $1 billion plant that had gone into operation in the early 1980's. This would be not 35 per cent of capital cost, but 20 per cent. And that would have been generated in the cheapest way possible, by comparatively small additions to a sinking fund over a generation.

Pace Mr. Males, my figures are not from the AIF, but rather from the Department of Energy, which estimates the cost of decommissioning at between .32 and .69 mills per kilowatt-hour.

But the bogus nature of the decommissioning issue does not reside purely in such smooth manipulation of figures as practiced by Mr. Males. For one thing, there is no reliable information on the useful life of a mature nuclear-power plant, only assumptions made for depreciation purposes. The estimates for Oyster Creek, for example, assumed a useful life for the plant of thirty years, which is historically reasonable. But it may turn out to be useful for fifty years; we will be lucky indeed if we develop an energy source that makes nuclear power obsolete before then.

Moreover, it is important to understand the true scope of the problem presented by a retired nuclear plant. First, the chain reaction having been forever stopped, there is no production of new radioactivity, and the remaining level will drop steadily. Second, the core having been removed for reprocessing and waste disposal, the overwhelming majority of the radiation hazard in an operating plant—the fission products—will be gone. The residual radiation will issue from so-called "activation products." These are produced when nuclei of non-radioactive elements, mostly in the structure of the reactor itself—for example, the iron in the reactor vessel—and also in comparatively trivial amounts of impurities from coolant water lodged in the piping—so-called "crud"—capture neutrons from the chain reaction. They are then transmuted into unstable, hence radioactive, elements. These vary as to half-life, those with half-lives between about 23,000 and 50,000 years accounting for the figures attributed by Mr. Males to the AIF. (An AIF spokesman was unaware of the organization's having made any such statement, although he noted that some of the longest-lived—and therefore *least* radioactive—activation products have half-lives in these ranges.)

It should be understood that these radioactive elements are not lying around on the floor as dust or blowing out the windows of the former plant as gas. They are entombed, as it were, in the structure of the reactor steam-supply system, and they are of no use to anyone, no matter how evilly intentioned. The most depraved and capable terrorist group imaginable

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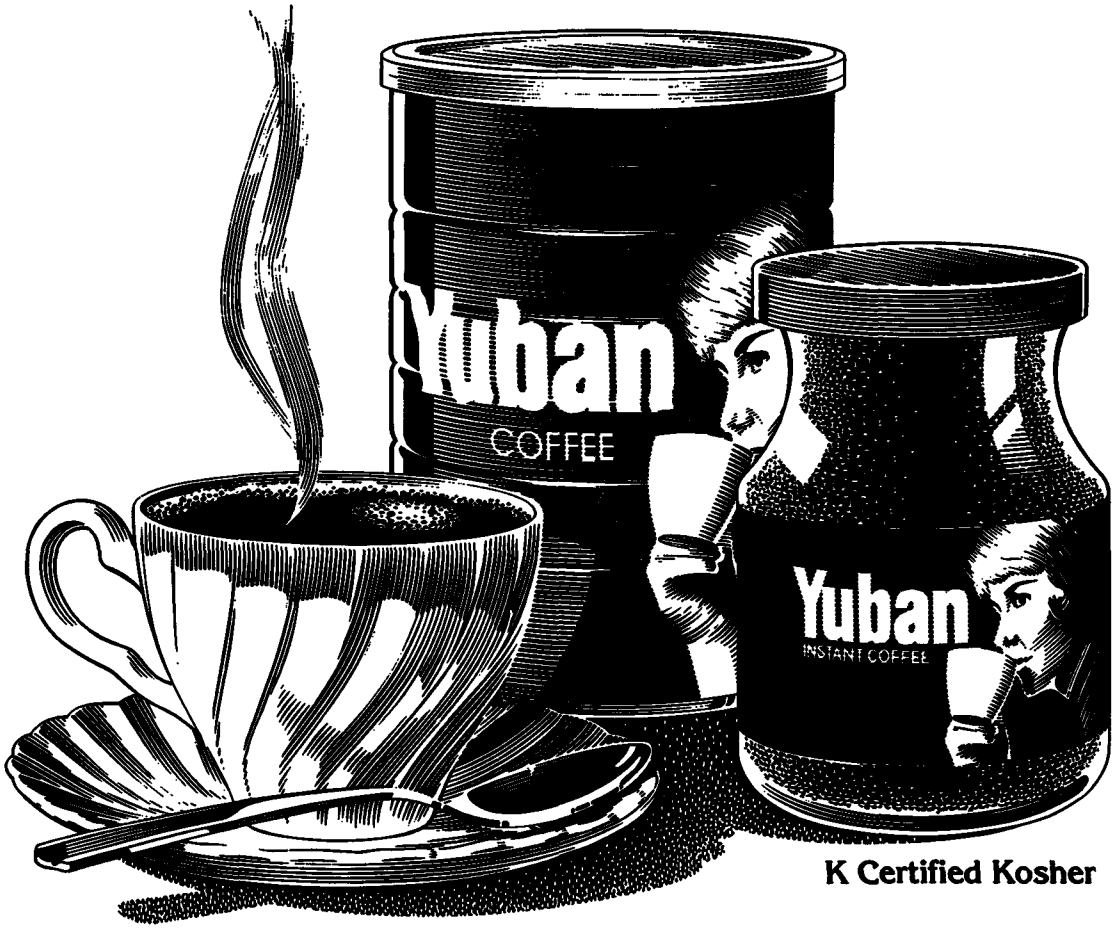

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would have no use for an only moderately radioactive pressure vessel weighing many tons. No dictator could fabricate a bomb from activated steel piping smuggled out of a retired plant. In this context, it is a little hard to understand why anyone thinks it necessary to dismantle former plants and bury them as waste. Entombing them in concrete seems extraordinarily cautious, and the fact is that probably a chain-link fence bearing the radiation symbol ought to be enough to prevent their causing any harm for the full length of their existence. We can afford to envision actually dismantling such plants and carting them away because the cost even of that complex operation, amortized in advance over a generation, is trivial.

5. Mr. Males's discussion of the extent to which nuclear opponents contribute to cost overruns is, to use no stronger term, flawed. First of all, I have never claimed that intervention is the major cause of cost increases. That is, the assumption on which he builds his discussion of my alleged intellectual misbehavior and what I should do to correct it is based on a simple falsification of the public record.

In my first article, I suggested that it was hypocritical for nuclear opponents to engage in delaying tactics of the sort used against the Seabrook plant and at the same time decry cost increases. In the exchange of letters that followed that article [Letters from Readers, December 1977], a correspondent cited an article by I.C. Bupp of Harvard as proving that nuclear opponents had no role in cost increases. I properly replied that to the contrary, the article in question listed a number of cases of cost increases made necessary by environmentalists, and identified delays in the licensing process—whether caused by environmentalist intervention or not—as the single most important contribution to costs. If Mr. Males is going to be so severe on me, he ought to state my position accurately. His failure to do so, although not quite the "epitome of moral scandal" he lays at my door, is surely shabby practice, as is his claim that all studies exonerate nuclear opponents from blame in increasing costs.

As to my attitude toward the environmental protection law: given the grosser lunacies of this legislation, it would probably be desirable to make just about everything immune from it. One could make an especially good case for this with regard to nuclear-power plants, which are more environmentally benign than the alternative. But Congress has obviously had, and rejected, the opportunity to do so, and I am content that when environmentalists use the law to hamstring nuclear power, they are within the law.

It is impossible for any one person to undertake the case-by-case review Mr. Males suggests, given the complexities of the cases of 168 separate reactors completed or partially licensed. (I doubt that very many environmentalists, however committed, are in any position to *approve* all the challenges on a case-by-case basis.) However, I can suggest to him categories of challenge that seem to me very dubious. First, all those made in the hope not of improving but of fatally delaying or canceling nuclear plants; on any occasion when a nuclear plant is replaced by a fossil-fuel one, the result is a major environmental disaster. Second, all those sincerely made but in accordance with such dubious notions as the bogus threat of "thermal pollution" or the assumption that fish have superior rights to people. And, finally, all those which, through inadequate weighing of all considerations—that is, through being in fact inadequately environmental—end up inflicting greater costs than benefits delivered, e.g., further dependence on OPEC oil, lowered air quality.

I am not prepared to apply these criteria to each and every licensing process in the country, but I suggest that most of the challenges against the Seabrook plant, as well as all of the so-called nuclear-safeguard referenda, fail on these criteria.

6. I have not discussed nuclear referenda in general since my September 1977 article (I did mention the San Antonio referendum as an artifact of the Three Mile Island backwash), and am at a loss to know how Mr. Males expects that I would have known then that Montana would pass an anti-nuclear referendum a year later. But OK. After six states have refused to pass an anti-nuclear referendum, one state has. If Mr. Males thinks this is a significant change, he is welcome to the belief.

7. I would agree that a solar breakthrough—that is, one that might enable solar power to achieve its present inflated promises—would be a very good thing. I am not merely charitable enough—I am realistic enough—to admit that some nuclear critics would rejoice if and when they became convinced that the waste problem was solved. But I still think that the widespread preference for the assertion that "we have no idea how to dispose of nuclear wastes" over an analysis of existing technologies suggests strongly that some people in the anti-nuclear movement have a vested interest in maintaining what appears to be their strongest argument.

The Weber Case

To the Editor of Commentary:

As I write, in early July, with the echoes still reverberating from the Supreme Court's rejection of Brian Weber's reverse-discrimination suit against Kaiser Aluminum and the United Steelworkers, it seems like a sour compliment to say of Carl Cohen's fine analysis ["Why Racial Preference is Illegal & Immoral," June] that he had all the arguments on his side, but not the votes. But it is a valid point. Law, after all, is supposed to be a matter of arguments, not arbitrary political will. Yet the majority on the Court made only the most cursory attempt to reconcile its ruling with the clear wording of the statute, with previous interpretations of it, or with the congressional debate at the time of its passage. The majority made no attempt, for example, to answer Mr. Cohen's demolition of the claim that the Kaiser program was "voluntary." The core of its justification was that it would be "ironic," i.e., these Justices would not like it, if the 1964 Civil Rights Act turned out to ban discrimination in favor of minorities. Consequently, they decreed that it did not.

This is government by men, not by law. In itself, that is a damning indictment of the decision. But the social policy that the Court is apparently endorsing would be equally far-reaching. It would result in the Lebanonization of America—i.e., the state-supervised distribution of benefits according to the size of various domestic factions, as in pre-civil-war Lebanon, where, of course, such a policy proved fatally inflexible and unjust.

Perhaps this abrogation of the principles of liberal pluralism can

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be defended. Many of its advocates certainly have the highest motives. But it should at least be announced and debated, rather than advanced by bureaucratic and judicial fiat, while politicians, intimidated by the names they might be called, avert their eyes.

I look forward to Mr. Cohen's further comments on the issue.

[SENATOR] ORRIN G. HATCH
United States Senate
Washington, D.C.

Senator Hatch and readers are referred to Carl Cohen's article, "Justice Debased: The Weber Decision," beginning on p. 43 of this issue—ED.

TO THE EDITOR OF COMMENTARY:

In his informative article, Carl Cohen writes that on Brian F. Weber's side in the case of *Steelworkers* v. *Weber* is "the Anti-Defamation League of B'nai B'rith (with some associated non-Jewish ethnic groups . . .)."

Mr. Cohen apparently is unaware that a powerful *amicus curiae* brief in behalf of Weber was filed by the Committee on Academic Nondiscrimination and Integrity. Our Committee is not an ethnic group and has been fighting for many years, together with the University Centers for Rational Alternatives, against the policies of reverse discrimination illegitimately read into the programs of affirmative action by HEW and other agencies of government.

MIRO TODOROVICH
SIDNEY HOOK
New York City

CARL COHEN writes:

I was indeed unaware of the brief of the Committee on Academic Nondiscrimination and Integrity. My apologies.

Rumkowski: Fact

TO THE EDITOR OF COMMENTARY:

In "How Rumkowski Died" [May] Michael Checinski describes the death in Auschwitz of Mordechai Chaim Rumkowski, the head of the Jewish Council (*Judenrat*) of the Lodz ghetto. I am sorry to say that Mr. Checinski's report conflicts with another, more plausible eyewitness account.

Dov Paisicovic, a former Hungarian Jew and a survivor of the *Sonderkommando,* the special detachment engaged in burning the corpses in the Birkenau section of Auschwitz, claims that he and his

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colleagues killed Rumkowski. They were acting, he says, at the request of previous arrivals from Lodz who asked for vengeance on Rumkowski for having betrayed them by issuing a proclamation that they were being deported not to death camps but to labor camps.

According to Paisicovic's testimony, the SS brought Rumkowski and his very beautiful young wife by car to Crematorium II (in Birkenau). There the men of the *Sonderkommando* showed the ex-chief of the ghetto the crematorium where he had helped send the Jews, and there they beat him to death. They regarded themselves as a tribunal carrying out Justice. (Dov Paisicovic, Testimony, volume 44, p. 108, State Museum at Auschwitz, August 2, 1964.)

Of the two reports, Mr. Checinski's runs counter to Birkenau reality. He claims that he saw on the Birkenau ramp: "A special platform, a reviewing stand, like a small amphitheater, with three or four steps leading up to the dais. In the center sat Rumkowski, surrounded by Rosenblatt [the chief of police of the Lodz ghetto] and their entourage . . . reviewing their troops. . . ."

This incident is unlikely. The ramp was a highly pressured place of work for the SS. Doctors usually had about one hour to divide up to 3,000 arrivals: the old and the very young for the gas chambers; the strong for labor. Every minute's delay meant that the victims might learn the fate in store for them and might then resist entering the gas chambers and force the SS to shoot them on the spot, as happened with a group of 15,000 Polish Jews in 1942. It was no place for ghetto charades. No witness has reported a platform, although all saw the centrally located ramp.

The manner of Rumkowski's death is even more problematic. Mr. Checinski relates that a former ghetto inmate, Moishe Hussid, whom Rumkowski had delivered to the Gestapo, recognized Rumkowski in the Sauna (the disinfection bloc, misnamed Canada in the article). Hussid, in Checinski's account, beat Rumkowski unconscious and disposed of the body in one of the cremating pits. Contrary to Mr. Checinski's claim, however, the men of the Sauna did not work in the gas chambers and had no access to the pits, which were separated from the extermination places by electrified barbed wire. Except for an occasional workman, only the men of the *Sonderkommando* worked in the crematoria. Not even SS men, unless on duty, had access to the extermination facilities. The camp administration maintained the myth of resettlement even in Birkenau. They isolated the men of the *Sonderkommando*, killed them periodically, and allowed no others to witness the extermination process. . . .

Mr. Checinski's credibility is seriously undermined when he alleges that to break their spirits, the SS took his arrival group "to see the pit." This contradicts the testimony of all eyewitnesses. No Jews, except some men of the *Sonderkommando*, left the flaming pit alive (according to Mr. Checinski, there were eight pits; according to Filip Mueller, a survivor of the *Sonderkommando*, nine). That would have defeated the SS scheme of keeping the extermination a secret.

Mr. Checinski also relates that Hussid danced on Rosenblatt, "breaking his bones with his heavy wooden shoes." It is true that most inmates of Birkenau had to wear wooden clogs, but the elite members of the Sauna, collecting the belongings of the arrivals, had the choicest of leather shoes. This minor detail might be ignored in an authentic context, but it further discredits an already doubtful story.

The account of Paisicovic, on the other hand, fits Birkenau reality. The last Lodz transport consisted of the *Judenrat*, the police, and survivors of four years of Nazi terror. It was a knowledgeable and tough group. It is therefore plausable that the SS—afraid that the resourceful Rumkowski, though obliging in the ghetto, might resist when his own life was at stake—whisked him away by car. Confined, he was powerless. We know of precedents of individuals being chauffered within the camp. We also know of another *Judenrat* representative who was singled out for the gas chambers upon arrival, less than two months after Rumkowski's death. This was the heroic Gisi Fleischmann, who had negotiated the Europa Plan in Slovakia, an abortive scheme for ransoming Europe's remaining Jews from the Nazis. She was deported on October 18, 1944, in a special SS guard car —in chains—with an order *RU—Rueckkehr unerwuenscht* ("return undesirable"). Upon her arrival in Auschwitz, she was promptly dispatched to the killing facilities.

The men of the *Sonderkommando* were long before August 1944 an organized resistance group. From deep demoralization and infinite despair, they rose to attain group solidarity and heightened consciousness. They were finally preparing to revolt and end their miserable existence. Simultaneously brutalized by their task and sensitized by the presence of noble leaders in their midst, they avenged the blood of Lodz Jewry upon Rumkowski. Their act was a symbolic outcry which indicated it was time to put an end to Jewish collaboration—that of Rumkowski and, by extension, themselves.

TZIPORA HAGER HALIVNI
New York City

MICHAEL CHECINSKI writes:

I understand that every reader has the right to doubt the authenticity of an eyewitness report after so many years. But after reading Tzipora Hager Halvini's letter carefully, I must say that I fail to see any contradictions between my account and that of Dov Paisicovic. The two accounts rather complement each other. There are, however, several misunderstandings and misreadings on the part of Mrs. Halivni, which cause her to see contradictions where none exist.

In her first point, Mrs. Halivni confuses the central ramp, on which the selections were made, and which, of course, all survivors remember, with the dais on which Rumkowski and the *Judenrat* were sitting as we marched by. The dais was *beyond* the ramp, about a 5-10 minute march from the ramp, not *on* the ramp, as Mrs. Halivni thinks I said. Of course, only survivors of the last major deportation from the Lodz ghetto would remember this. (There was one mop-up operation after this last deportation.) Everyone, not only I, was shocked to see it. It is entirely possible that Rumkowski was driven from the dais to Crematorium II after we marched by. No, the Germans were not above "ghetto charades," even in Auschwitz, when it amused them. The incident may be "unlikely" in Mrs. Halivni's eyes, but it happened, and was not "contrary to Birkenau reality." It was a special occasion, this last deportation from the last ghetto in Europe, so perhaps the Germans may be forgiven their little celebration.

In her second charge, Mrs. Halivni incorrectly quotes me as saying

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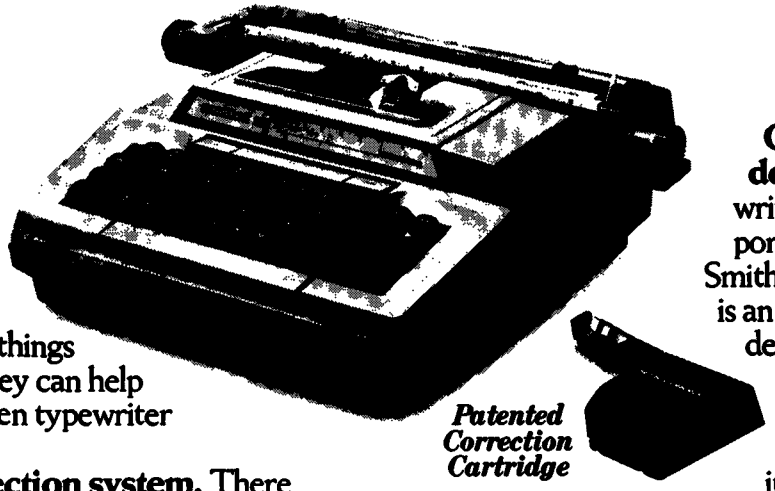

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that Moishe Hussid recognized Rumkowski in the Sauna and beat him unconscious. It was *Rosenblatt* whom Moishe Hussid recognized (*outside* the Sauna) and beat unconscious. I did not discuss the beating of Rumkowski at all, because I did not witness it. I only saw Moishe Hussid carry his unconscious body through the Sauna and out the door leading to the pit. It is possible that he was already dead by then, but I can only say with certainty that he was unconscious. I am quite ready to believe that it was Dov Paisicovic and his colleagues who tortured him to death. It is also quite possible that Moishe Hussid was one of those colleagues who participated. That would explain his temporary absence during his torture of Rosenblatt, after which interruption he returned carrying Rumkowski's body.

Third, Mrs. Halivni does not seem to understand the difference between the crematoria ovens, which were next to the gas chambers, and the open pits, which were located in various places, as she uses the two terms interchangeably. According to Raul Hilberg's *The Destruction of the European Jews* (p. 629), there were eight such open pits in Auschwitz by the end. There was definitely one by the Sauna, mainly for burning the clothing which the Germans took from the prisoners. I saw with my own eyes how people, also, were thrown into this fiery pit. We were not taken right up close to the pit; at night it could be seen from quite a distance. The silhouettes of the bodies being thrown in were an unforgettable sight. I don't know why we were shown the pit. I assumed it was to "break our spirit," as I said, but that is admittedly my interpretation. I am by no means the only survivor to "see the pit" and live to tell about it. (Hilberg, in footnote 68, cites three written eyewitness accounts.)

I never mentioned Moishe Hussid's position in Auschwitz, because I didn't know what it was. Mrs. Halivni assumes that he was a Sauna worker, but it is entirely possible that he was part of a different *Sonderkommando* and just came into the Sauna area looking for Rosenblatt, in order to carry out his personal vendetta.

By the way, not only the disinfection bloc (as Mrs. Halivni states) but the whole area of Birkenau where the *Sonderkommandos* worked was called Canada, *by the prisoners*. Perhaps I didn't make it clear that this was prisoners' slang, but everyone who was in Birkenau knew this term. I was not writing as a historian, using officially accepted nomenclature, but as an eyewitness.

Finally, as for the leather shoes, of course it is true that the *Sonderkommandos* had "the choicest of leather shoes" taken from the prisoners, but they weren't foolish enough to wear them into the Sauna, where the floor was full of water. This is why Moishe Hussid was wearing clogs when he was beating Rosenblatt in the shower. This minor detail only discredits Mrs. Halivni's grasp of Birkenau reality, not mine.

I cannot comment on the last paragraph of Mrs. Halivni's letter, as I have never been a student of the Holocaust or looked back on it until now. If that was the main point Mrs. Halivni wanted to make, she could have done so without carelessly impugning the veracity of an eyewitness whose story, in fact, dovetails with the one she tells, if only she had read it carefully enough.

Rumkowski: Fiction

TO THE EDITOR OF COMMENTARY:

Ruth R. Wisse reviews Leslie Epstein's *King of the Jews* [Books in Review, May] as though she were grading an essay test in Holocaust History 101: the following facts are missing from the answer, and therefore the student fails. She even tosses in that comforting crumb with which we teachers are prone to preface our comments leading up to a failing grade on a paper: Mr. Epstein is, she says, "a professional and engaging writer." ("Golly, Mr. Fonda," one can hear her saying after the show, "how did you ever learn all those lines?")

But Mr. Epstein—admittedly a student, not himself a survivor—is not writing history, let alone a summary in which every fact must be explicitly presented. And although Mrs. Wisse, who finds it hard to "trust" Epstein's persona because of his errors in Yiddish, has no confidence in our individual and collective knowledge, implicit in this novel are those basic truths about ghetto life for whose omission she takes off points. Mr. Epstein builds on our existing knowledge and emotions to tell not a conflicting but an augmenting story.

It is hardly a work to engage the interest of that "ignorant or hostile audience" Mrs. Wisse believes Mr. Epstein has intended "to charm." It is for those readers who know where and to what the deported children are going that there is drama in the disputation over what they should be told; for those who comprehend the sorrow and the strength in ghetto families that there is poignancy in the lives of the orphans; for those with reverence for the political coherence and cultural riches of the ghetto that there is anguish in the collapse of those for whom even such support is not enough.

To see *King of the Jews* as farce, the *M*A*S*H* of the Holocaust, is to confuse hospital hijinks with emotional turmoil, light-hearted made-for-living-room lust with a struggle for survival; it is to confuse gags with often stunning irony. Mrs. Wisse finds the characterizations, as well, farcical, flat: "orphans, or representative types—the rabbi, the rich man, the thief . . . move atomistically through the novel, arousing little compassion in one another, and even less in the reader." But such is the stuff of which allegory, too, is made; allegory and, surely by no coincidence, Brecht's distancing effect. Deprived of the catharsis which literarily-induced compassion provides, we are forced to see the real-life millions these characters represent, just as, denied the habitualized responses called up by scenes depicting storm troopers and concentration camps, we must look afresh at scenes less easily made graphic; offered a narrative lacking the very words by which the enemy is called, we must name him for ourselves.

The facts of the Holocaust will continue to be related by such authors as Elie Wiesel (Mr. Epstein's colleague, by the way, at Boston University). The truths of the Holocaust must ever be taught. But in our commitment to the lesson, we must not fall into the Socialist Realist's trap of believing that there is only one mode appropriate to the telling.

NATALIE JACOBSON MCCRACKEN
Newton, Massachusetts

TO THE EDITOR OF COMMENTARY:

. . . Leslie Epstein's *King of the Jews* is not a fairy tale and not a historical dissertation, but a novel. *King of the Jews* is a well-written

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and interesting book, and many of its scenes will remain in our minds, though I concede that it bears no more resemblance to actual ghetto life than did the TV program *Holocaust*. . . .

I.C. Trumpelman, the central character of the book, is based on Mordechai Chaim Rumkowski. . . . But Trumpelman bears little resemblance to the real Rumkowski. I met Rumkowski in the fall of 1943 and worked for him for four months, during which time I saw him daily. . . . What was he like? In my eyes, a traitor to his own people, a war profiteer, a man without scruples . . . a man obsessed with power, and extremely vindictive. . . . Rumkowski was a feared dictator. . . .

At the end of her review, Mrs. Wisse mentions Epstein's use of Jewish cannibalism. Yet I can assure her that cannibalism did exist. I myself witnessed a scene of cannibalism at Bergen-Belsen one day before liberation, a scene I shall never forget. But how can an American or a Canadian understand the hunger suffered—and the transformation from a sane mind to cannibalism?

I would like to raise one final question: shouldn't the writing and reviewing of Holocaust novels and publications be left to those who were there and survived?

CILA LANDAU EICHENGREEN
Berkeley, California

RUTH R. WISSE writes:

It is the role of a critic, as of the teacher grading essays, to evaluate the quality of a given work by discriminating as carefully as possible between its strengths and weaknesses. I do not see what Natalie Jacobson McCracken finds objectionable in this process. Clearly, if Leslie Epstein's work had nothing to recommend it, I would have said so. To call him a competent writer, by my schoolmarm standards, was hardly to throw him a crumb, but to grant him the cake—without the icing. Since Mrs. McCracken casts me in the role, however, may I suggest that transforming me from imperious schoolmistress into adolescent movie fan in the same paragraph is *not* my idea of the artful.

As it happens, my criticism of Mr. Epstein's book was not based on my concern for the facts, though I do not see why "basic truths" should be the corollary of fundamental errors. If an English-speaking character in a foreign-language novel says, "the gool went to skulk" instead of "the girl went to school," we may not learn much about the author's higher artistic purpose, but we will know a good deal about his imperfect mastery of his subject. Since Mr. Epstein takes pains to establish the credentials of his narrator as a reliable witness, the credibility of this witness would appear to be judgeable on literary grounds.

A more serious distortion is Mrs. McCracken's invocation of "allegory" and "Brecht's distancing effect," which are by no means synonymous except as equally convenient obfuscations of the actual category to which this book belongs. Mr. Epstein does not represent one thing by another, which is still, to my knowledge, a condition of allegory. Neither does he dip selectively into history, as Brecht does, for situations that may be manipulated so as to serve his own passionate and immediate ideological ends. Mr. Epstein's novel offers an interpretation of a recent historical event, one which he has researched with some care and depicted so that the similarities between his novel and actuality should be explicit and unmistakable. I have no idea what Mrs. McCracken believes to be the "basic truths" of ghetto life, for in the world I inhabit the interpretation and understanding of the history she seems to find so obvious are still matters of anxious political and psychological debate. As an interpretation of that history, Mr. Epstein's book is not a fix for those who want a fresh charge out of the Holocaust, but a text through which the events have been rendered and ask to be comprehended. As such a text, one with a distinctly contemporary, American flair, it manages both to diminish its subject and to diminish the Jews, whom it does not regard allegorically.

Cila Landau Eichengreen does not seem to have understood my review. I objected to Mr. Epstein's teasing us with the idea of cannibalism precisely because it did occur, and because the moral scruples of the artist confronting this subject should be at least as keen as those of a person, or a character, who happens to be in that extremity of starvation. I sympathize with the desire to limit discussion of the Holocaust to its survivors, at least during their lifetime, but open season has already been declared on the subject. The best one can do is to demand the best of those who approach it.

Jonestown

TO THE EDITOR OF COMMENTARY:

As an inhabitant of the Bay Area, I turned eagerly to "The Politics of Jonestown" by Midge Decter [May]. I think she is on the trail of the villain, for the People's Temple was more than just another cult. There were a lot of people and organizations who had a vested interest in Jim Jones.

First, many local politicians, like the late Mayor Moscone, Assemblyman Willie Brown, etc., were indebted to Jim Jones because he could get out the vote. At a moment's notice, his followers were on the streets, distributing pamphlets, picketing, and being generally helpful to the local Democratic establishment. . . . Naturally, the politicians were not interested in any investigations of their friend, even after the word went out that something was wrong.

Second, Mark Lane and Charles Garry must bear some of the responsibility for the Jonestown deaths because they were the Pied Pipers of this "socialist pearl in the jungles of Guyana." I have listened to tapes made by Mark Lane before and after the mass murder/suicide, and was appalled by Lane's hypocritical flip-flop. Now, I believe, he blames the whole thing on the CIA.

Third, the American Civil Liberties Union must also share some of the blame. Although, of course, the ACLU denies it now, it put pressure on *New West* magazine to kill an article exposing the People's Temple. I saw the ACLU's letter (it was reprinted in a local paper) and I doubt very much that the ACLU would have written such a letter had *New West* been preparing an exposé of a group with whom it was not in sympathy.

Fourth, there are the newspaper writers and journalists, like Charles Krause, whom Miss Decter quotes, who were blinded by the "social-justice" stance of the People's Temple and other radical Left groups like the Black Panthers and the Weathermen.

Lastly, there are those who wrote letters of reference or gave spoken testimonials to Jim Jones. Endorsements from people like Mrs. Carter, Vice President Mondale, Governor Brown, and Jane Fonda gave Jones an air of respectability.

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But these people neither cared about nor had the faintest idea of what was really happening in Jonestown.

The blood of all those victims in Jonestown is on the hands of many who now say "Jim who?"

ABE GREENE
Mill Valley, California

TO THE EDITOR OF COMMENTARY:

One can agree with Midge Decter that the People's Temple was primarily political, at least in its origins. Jim Jones was early on an avowed Marxist, and did not enter the lucrative "religion business" until later, when, possibly, he realized how much more he could influence his followers if he framed his ideas within a theology (or else, who knows, perhaps Jones really came to believe he had a direct line to God). Other obvious advantages, including the tax-exempt status that religions enjoy, probably didn't escape him either.

In our own studies of cults, however, we have found that one cannot completely distinguish between political cults and religious cults, as Miss Decter attempts to do. They represent different aspects of the same phenomenon; i.e., both groups dwell outside or on the fringes of the establishment, offering escape to the guilt-ridden middle or upper class, and providing purpose to those searching for a cause. Both political and religious cults focus on a charismatic leader; they force their adherents to submit their will to an absolute authority and to an absolute truth system; they regulate every aspect of a follower's life; and they force a split between feelings and intellect. In addition, they subsume the individual under the group and its doctrine, offering ultimate positive sanctions for questioners or defectors; all of this is under a cosmology of Total Good (the group and its doctrine) versus Total Evil (the outside world, or anything that conflicts with the group and its doctrines).

By this definition, the People's Temple was a cult, and whether it was a religious cult or a political cult really doesn't matter, since the result was tragically the same. Miss Decter errs, however, in identifying radical political groups of the 60's with such cults and in blaming what happened in Jonestown on society's tolerance of those radical groups (at least that is how we understand her argument). Not all the radical groups of the 60's exhibited the characteristics of the cults described above. On the contrary, the 60's were about freedom: individual freedom in choosing a "life-style"; freedom of choice in intellectual thought; an emphasis on feelings and emotions, often at the expense of staid philosophical, political, or theological systems; and, above all, the exercise of personal freedom in confronting the alleged evils of society. The 70's cults are about the relinquishing of such freedom: the giving up of a choice of "life-style"; the submission of critical faculties to the cult's doctrine, and even the destruction of those faculties; the denial of feelings and emotions whenever they conflict with the group and its doctrine; the total, unquestioning belief in a closed philosophical or theological system; and, finally, the

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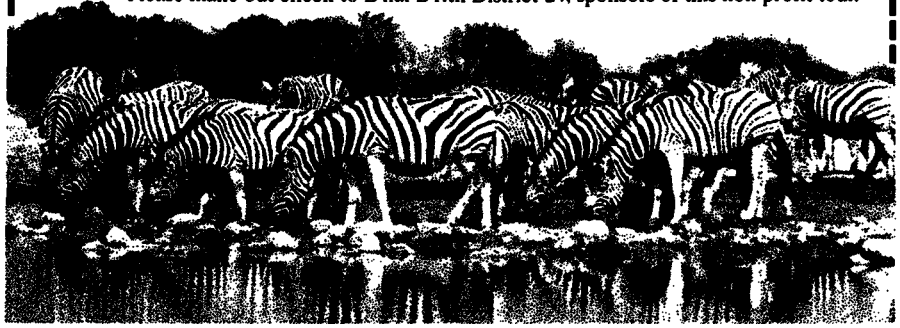

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annihilation of personal will or freedom.

Robert Jay Lifton, whom Miss Decter gratuitously describes as "America's resident expert on death" (we thought that title belonged to Elisabeth Kübler-Ross), summarizes the difference between the political groups of the 60's, and today's cultists: although, he says, today's cultists agree with the *radical* critique of society of the 60's, they have turned to *reactionary* solutions.

Some of the political groups of the 60's did, in fact, become cults (although we do not believe that Charles Manson's group was in any way an outgrowth of politics; he was simply a madman who discovered he could manipulate people). But this bad result cannot be blamed on the original ideologies of the 60's. Surely it is not wrong to want to correct society's injustices, to distribute its wealth more fairly, to give institutional bureaucracy a "human face," and to assist the underprivileged to help themselves: these were the underlying premises held by the 60's radicals. What sometimes went wrong were the tactics often adopted to attain these goals.

Miss Decter is perhaps correct in her belief that Jim Jones was tolerated in San Francisco because of his New Left image. But when Jones was in California, there were no legal reasons not to "tolerate" him. It is not the San Francisco officials, but rather the State Department and other U.S. government authorities who deserve blame. The federal government was duly warned about the real nature of the People's Temple and the possibility of mass suicide in Guyana. Yet it did nothing to prevent the brutal Saturday-night massacre of last November. Miss Decter is playing "Sunday-morning quarterback," but unfortunately her criticisms are misdirected.

MARCIA R. RUDIN
A. JAMES RUDIN
New York City

TO THE EDITOR OF COMMENTARY:

Midge Decter's article, "The Politics of Jonestown," makes a good point. The leftist orientation of influential persons in the media, politics, and religion made it difficult for them to perceive the pathological dimension to Jim Jones and his group as well as their potential for mass destruction.

However, I take exception to Miss Decter's statement that "the mindless conformity and surrender of the will which are at the heart of every cult make mass madness of the Jonestown kind an ever-present possibility." The underlying assumption of this statement, and the entire article, is that "cults" are all the same in that they are "mindless" and are characterized by a "surrender of the will." I do not believe this statement is true and nowhere does Miss Decter provide evidence to support it. . . .

To write off all charismatic groups, minority beliefs, new religions, or whatever as "cults" like the People's Temple lacks intellectual and moral integrity. It is "scapegoatism" and prejudice.

I would think that a serious examination of any community of believers should entail a sustained, first-hand consideration of its stated purpose, its theology or beliefs, its methods, and its accomplishments. When a person examines another group, it is, of course, always in the light of his own assumptions, commitments, and even interests. But if a person attempts to do this, I believe it should also be first-hand and not through the lens of superficial media reports.

Theologians, philosophers, and some types of political ideologues usually reveal their ontological and epistemological assumptions when they communicate. It is thus a little easier to know "where they are coming from." However, there is a community of "experts"—psychiatrists and psychologists—who are committed to materialism, but do not reveal their commitments. They believe a person's consciousness to be a mere reflection of biological and social conditions which can only be understood in terms of genes, hormones, an authority figure, and peer-group pressure.

These "experts" would deny the validity of religious conversion and would have no use for or appreciation of Tillich's term, "ontological shock." Ontological truth, for them, is relative. But a searcher for truth may or may not be psychologically marginal. Further-

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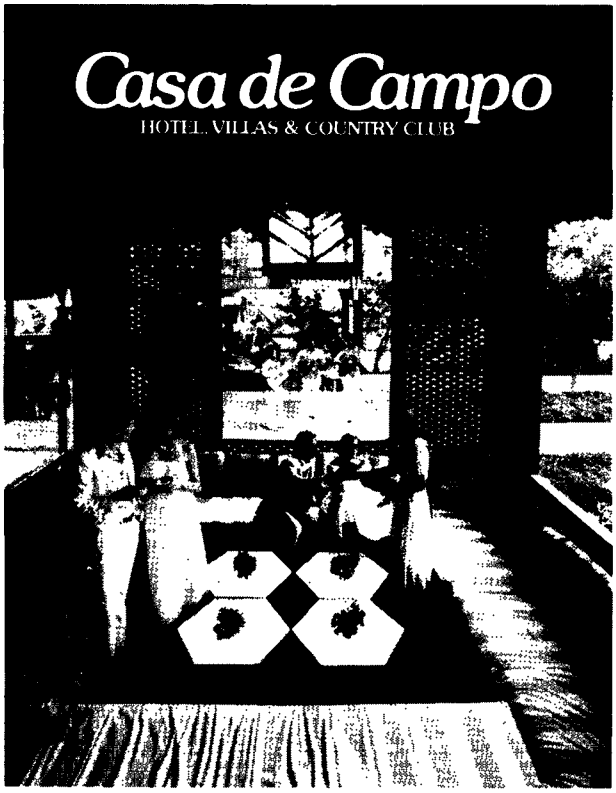

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more, the psychological dimension to religious faith is only one dimension. To view Kierkegaard's theological outlook only in terms of his psychological state is inadequate. And, finally, psychologists themselves often differ, according to their intellectual commitment to the ideas of Freud, Skinner, Jung, etc.

I worry that these psychological "experts" of the materialist school will be drafted by their philosophical and political counterparts in Congress to give "expert" testimony on "brainwashing" so as to help our government distinguish "true religious cults" from "pseudo-religious cults." John Clark of Harvard is such an expert. Surely the Founding Fathers intended the First Amendment to protect unpopular opinions or groups; it was not designed to protect the powerful, the well-established, or accepted groups.

Along with the political, the theological, and the psychological dimensions to perceiving other groups, there is the racial or cultural dimension. . . . Certainly this is a factor in the way many groups from the Orient are perceived. The "yellow peril" is alive and well in this country and is used to stimulate media consumers, which means greater circulation and in turn more advertising income. . . . I am sure that the racial or cultural dimension is an important element in considering Hare Krishna (Indian origins), Unification Church (Korean origins), and various other groups. . . .

The Wesley brothers, Martin Luther, and the Hasidic movement were initially rejected and persecuted. Groups such as the Quakers, Mormons, Christian Scientists, Seventh Day Adventists, Jehovah's Witnesses . . . have all stood the test of time despite controversial beginnings. Who is to say that other groups will not emerge and do the same? Moses and Jesus had their critics too!

Perhaps one of the greatest truths to emerge from the Judeo-Christian heritage is that we all come from the same God and have inalienable rights and our common humanity and yet, at the same time, we are all unique human beings with our own particular talents and abilities. We would all do well to avoid making sweeping, one-dimensional statements about people we have never met and whom we see only through the limited perspective of the mass media. History is filled with too many examples of blatant bigotry.

MICHAEL YOUNG WARDER
President and Publisher
The News World
New York City

TO THE EDITOR OF COMMENTARY:

Midge Decter's "The Politics of Jonestown" leads to broader questions about the rationale of U.S. human-rights policy and the thinking on the subject in large parts of the academic and media communities. Ethnic and ideological factors were indeed an important reason why danger signals from the People's Temple were ignored for so long. In fact, they tend to be determining criteria for widespread attitudes toward human-rights violations throughout the world.

The ethnic factor relates to the

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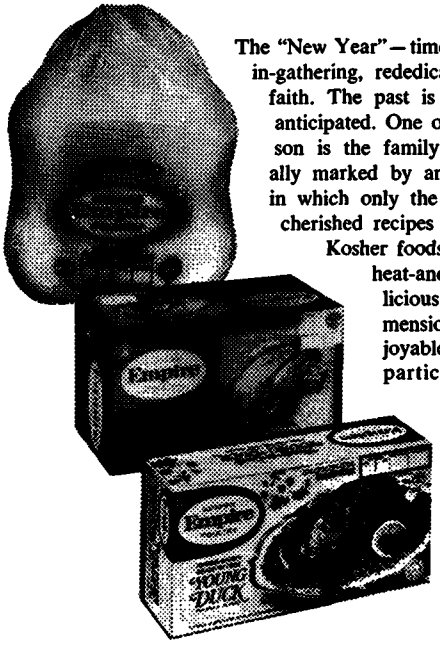

The "New Year"—time of introspection and in-gathering, rededication and renewal of faith. The past is reviewed, the future anticipated. One of the joys of the season is the family gathering, traditionally marked by an extraordinary Feast in which only the best ingredients and cherished recipes are featured. Empire Kosher foods — ready-to-cook and heat-and-serve — add a delicious and convenient dimension to your Feast. Enjoyable all year, they are particularly appropriate during the Holidays. This year, as for over forty-two, we at Empire rededicate ourselves to the laws and traditions of Kashruth and finest Quality.

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role of whites. The ideological issue is whether human-rights violations occur in a society governed by an administration of the Left or of the Right. When the non-white and left-wing criteria come together, as in China, Vietnam, Cambodia, Libya, Angola, etc., criticism of human-rights violations is at a minimum. The Cambodian horror, in which an estimated one million people died or were hurt as a result of the forced evacuation of cities and the splitting of families, evoked only sporadic comment. China, where, even under the more benign leadership of Deng Xiaoping, personal freedom is virtually nonexistent, is rarely discussed in human-rights terms. If anything, American policy and American visitors, with rare exceptions, tend to romanticize Chinese society.

When it comes to right-wing governments, in countries that are white or thought of as white, such as Chile, Argentina, Somoza's Nicaragua, and, up to the overthrow of the Franco and Salazar dictatorships, Spain and Portugal, criticism of human-rights violations is incisive and persistent, and American policy is under pressure to reflect this active and watchful concern.

In Africa, the ethnic or race factor becomes all-important. In Rhodesia and South Africa, where white governments wielded or wield discriminatory rule over majority black populations, American (and West European) opinion and policy are emphatic to the point of active intervention in order to advance progress toward majority rule. Yet a whole list of African countries where human-rights violations have been extreme and massive, such as Burundi and the Central African Republic, have not elicited the same kind of condemnation. (Uganda has been such a bizarre case that it does not fit any pattern.) Action and policy, whether unilateral or through the United Nations, have virtually ignored the conditions in those all-black countries.

Generally, when one advances this kind of argument in relation to developing nations, respondents counter that we Westerners should not attempt to impose our values on societies in such fundamentally different stages of development and with such different cultures and histories. An occasional rejoinder is that we cannot force our two-party system on every country in the world. Yet in Rhodesia, the recent election has been subjected to the kind of test that even Sweden, Switzerland, or Massachusetts (we won't mention Illinois) might have difficulty passing!

Another point that is raised in this connection is that racial discrimination is a special evil that deserves special attention and concern among human-rights offenses. But is it worse for a dominant (usually the white) minority to discriminate against a disadvantaged majority than for a totalitarian regime to oppress an entire society? And if the effect on the individual in the latter case is more hurtful than in the former, does discrimination still merit a higher priority? It is clearly not an open-and-shut case. At best, it is a dilemma.

Within the white/Right and non-white/Left pattern, there is a subpattern where the double human-rights vision again shows up. It is when we deal with countries that are white and governed by left-wing, socialist, or Communist regimes, such as the Soviet Union and its East European satellites; or with non-white countries run by military dictatorships or authoritarian regimes of the Right, such as the Philippines, Indonesia, or South Korea. Both groups receive more scrutiny and criticism than the Chinas and Vietnams, but less than the Chiles or South Africas. This is because their situation is less neat in the eyes of Western liberals. In one case, they benefit from their being "socialist" (deemed preferable to being "fascist" or "militaristic"), but they carry the burden of being white. In the other, it is to their advantage that they are not white, but to their detriment that their governments are "authoritarian" or "militaristic." (Incidentally, authoritarianism or militarism is rarely if ever attributed to leftist or socialist governments, even if in fact their control over their people is virtually total, as in China, or if they are dominated by military men, as in Libya, Yugoslavia, Syria, etc.)

What all this comes down to is that the human-rights concern of

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this important segment of opinion and policy-makers—in government, the media, the academy, in churches, many other nonprofit institutions, and in a growing number of multinational corporations—is determined not by what happens, but by who does it. A million victims in Cambodia do not generate the same kind of activism as 1,500 political prisoners in Chile. The absence of civil liberties and the suppression of dissidents among China's 900 million is hardly discussed, even as there is steady pressure on the Philippine government to curb practices which in nature and scope are not comparable to the totalitarianism of China.

Frequently the response to this kind of argument is that we cannot deal with every human-rights problem in the world, and must confine ourselves to situations where we have a chance to influence events. This point does not hold up very well. There appear to have been no human-rights concerns in the discussion that led to the recently concluded trade agreement with China, and Peking wanted that agreement very much. We did have leverage had we wanted to use it. And one wonders if, in the face of evidence of what may have amounted to a new holocaust in Cambodia in the years 1974-77, the President of the United States had called together the leaders of all countries who cared to put the spotlight on this horror, some consequences might not have been generated to curb the Khmer Rouge madness. The question of what we can do is often a function of whether we want to do anything.

Even when nothing concrete or immediately effective can be done, we owe it to ourselves at least to have our criteria and standards in good order. To begin with double or multiple standards, and often not even to be aware of them, is to set out with a faulty map on a voyage that will be stormy enough, and on which we can accomplish only sketchy results at best.

What causes this double or multiple vision? My guess is that it is in part the unconscious or even conscious desire to transfer the lessons of the American experience with racism and discrimination to the foreign scene; and in part, the latent, and not very well-defined notion among many of our opinion- and policy-makers of the post-Vietnam period that "development," generally under "socialism," is the wave of the future and entitled to the support of enlightened people in the West. Both feelings arise from the desire of many Americans and Europeans to make up for their racist and colonial transgressions. The trouble is that policies and actions based on such feelings make it a matter of ideological and ethnic chance who among the millions of victims of human-rights violations in our time will evoke sympathy and support, and this is neither a thoughtful nor a just way to approach such a vital issue.

ROBERT B. GOLDMANN
New York City

Iran

TO THE EDITOR OF COMMENTARY:

By concluding that the revolution in Iran might have been avoided had the Shah used his discretionary powers properly, Walter Laqueur ["Why the Shah Fell," March] attempts to provide a political answer to the political question, what made the regime weak enough to be toppled? His answer is predicated on the assumption that political successes and failures are attributable far more to acts of statesmanship than to exterior—social, economic, or cultural—forces. This means that political actions are not always affected by historical or other forms of necessity. The Shah had choices to make and some of his actions were, one might say, impolitic; he failed to convince his opposition that the problems of Iran were administrative or managerial, and thus did not require a radical solution.

Regarding the Shah's opposition, Mr. Laqueur argues that he should have exercised one of two reasonable options: either increase the political access of his enemies (especially those who, as a result of government policies, had become *déclassé*) or kill them. He did neither. In suggesting these options, Mr. Laqueur seems to believe that it was possible for the former to occur without undermining the Shah's claim as *the* legitimate ruler in Iran. But it is doubtful that any ruler who comes to power and who preserves his power for such a long time by what one might call "unpopular" (or should I say "criminal"?) actions could ever take the first step in changing the *form* of his regime without imperiling his position. There is always the problem of what to do with the overly ambitious who, once given an opportunity for political advancement, will strive to tyrannize others, particularly those who formerly ruled them. In directing our attention to the effect of envy and ambition in politics, Mr. Laqueur shows himself to be most sensitive to this question.

It is precisely because he recognizes the role of what the ancient Greeks called *thymos* (spiritedness) that Mr. Laqueur refers to those whose analyses of Iran were based on generally accepted prejudices as "myth-makers." Such people appear to be everywhere, including Iran. We get a sense of this in Mr. Laqueur's argument that the failure of the Shah resembles the failure of these Western analysts. If some myths are ennobling, others can be destructive, especially when they inform government policies. This is what seems to account for Mr. Laqueur's criticism of "the Shah and his technocrats." . . .

We seem to have technocrats of our own, and Mr. Laqueur appears to be making a more general attack on what might be called the "intelligence community," including government agents and advisers, plus the scientifically-oriented academic institutions that provide these personnel with their training and some of their research. If the Shah depended on technical expertise at the expense of statesmanship until it was too late, what are we to think about our own governmental advisers—that armada of policy-makers, weighed down with the authority of science, believing that politics can be guided by reason, if not made scientific? In the past two or three decades, American foreign and domestic policies have been steered by members of the "intelligence community," whose aim is, through scientific management, to obviate the demands of statesmanship, and thereby, of politics. The most disturbing effect of this group on political life has been to "soften and enervate courage [rather] than strengthen and animate it," and to forget the very elements of politics that Mr. Laqueur brings to our attention in his article.

Mr. Laqueur's political analysis of Iran reveals the Shah as a man who sought to be a Kantian ruler with nationalist intent. He failed because his technocrats, perhaps like ours, had a model of empire of their own.

MARTIN J. PLAX
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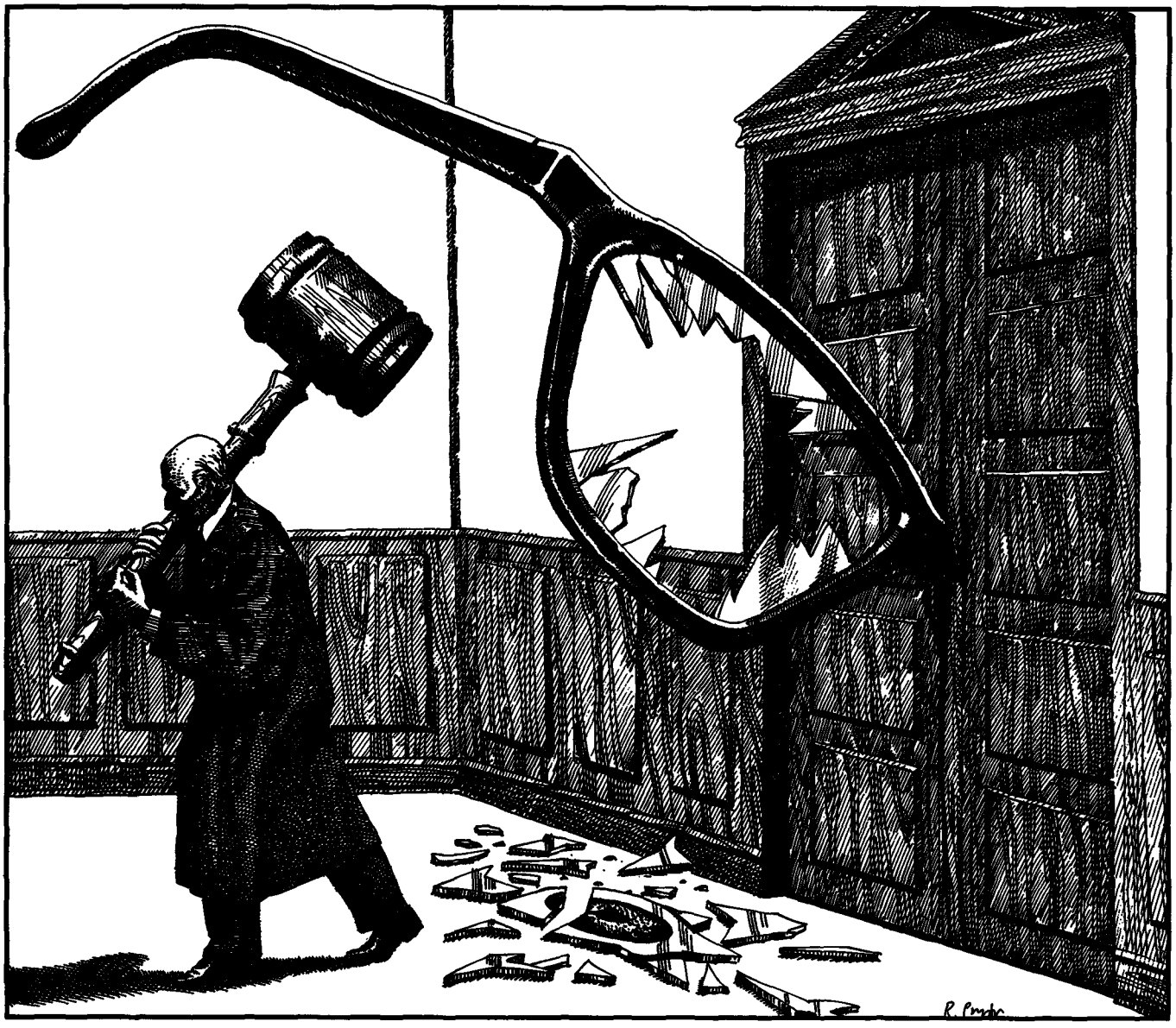

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Oil and American Power—Six Years Later

Robert W. Tucker

IT WILL soon be six years since the Organization of Petroleum Exporting Countries (OPEC) raised the price of its oil fourfold. Shortly thereafter the noted oil economist Walter J. Levy declared: "Rarely, if ever, in postwar history has the world been confronted with problems as serious as those caused by recent changes in the supply and price conditions of the world oil trade." At the time Levy wrote, his opinion was widely shared by knowledgeable observers. By 1976 and 1977, however, it appeared a distinct exaggeration to many. Now, in the late summer of 1979, it once again expresses the prevailing outlook. The relative optimism that characterized the years 1976-78 has suddenly given way to a pessimism in some respects more marked than the outlook of 1974.

In retrospect, the preceding years appear as a prolonged Indian summer, and a period during which preparations for winter were not undertaken or, for that matter, even generally acknowledged as necessary. Not surprisingly, the realization that the crisis brought on by the oil cartel has not passed, that it is a continuing one, and that its current phase holds out prospects even more serious perhaps than those anticipated in 1974, has resulted in a remarkable display of retrospective wisdom. Unfortunately, the wisdom is only retrospective. At that, much of it remains suspect. Doubt must surely persist whether the lessons of a recent past—a past that has cruelly betrayed one expectation after another—have been properly assimilated.

I

IT IS instructive to recall the earlier phases of the continuing crisis. The initial period began in the late fall of 1973 and ended in the early spring of 1975. Throughout 1974 the experts, through whose eyes most of us came to view the crisis, were divided between those who were persuaded that the oil cartel's actions would not hold, either because the cartel itself would fall apart or because the market would inevitably force a break in price, and those who, largely accepting the staying power of OPEC and the effectiveness of the new price structure, worried about devising a satisfactory means for settling the huge transfers of claims that loomed ahead. By the early months of 1975, the optimism of the former group was already beginning to wear thin. Although it was apparent that a cartel made up of sovereign states necessarily operated under considerable difficulties, and that these difficulties—above all, of allocation—would markedly increase in an easy market, it was equally apparent that OPEC showed little signs of breaking up. Indeed, as between the major producers and the major consumers, it was clearly the producers who had shown greater solidarity.

At the same time, however, the fears of the pessimists had begun to recede, and would continue to do so in the period immediately to follow. For the dangers that had so aroused the apprehension of the pessimists, and in terms of which most of them had largely defined the crisis, had not come to pass. What had seemed very nearly impossible at the outset, a solution whereby consumers continued to receive at least minimally necessary supplies of oil while the claims of producers were met in a manner satisfactory to them, now appeared possible and even quite manageable. To be sure, the solution was admittedly not without its vulnerable features. It depended upon the avoidance of further exorbitant price increases (though rises in nominal, as opposed to rises in real—i.e., inflation-adjusted—oil prices were expected). It also depended upon a continuing high level of imports by the producer countries, together with a system of recycling the still very considerable surplus of petrodollars in such a manner that the weaker countries—developed and developing—could continue to borrow in the capital markets of the stronger in order to meet their oil-related deficits. Any of these conditions was subject to change and thus to the reemergence of fears widely entertained at the outset. But with the passage of time, a considerable measure of confidence grew over arrangements that were never more than fragile.

Thus the apparent easing of the crisis by the spring of 1975 largely followed from the manner in which the crisis had been defined by expert consensus. On this definition, the great and immediate

ROBERT W. TUCKER, professor of international relations at Johns Hopkins, is the author of *A New Isolationism: Threat or Promise?* and *The Inequality of Nations*, among other works. The present article is a sequel to his previous and widely-discussed articles in COMMENTARY, "Oil: The Issue of American Intervention" (January 1975) and "Oil and American Power—Three Years Later" (January 1977).

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question was, how could the world pay for OPEC oil? A technical question, to be answered by technical means, it reflected the view that the transfer of wealth now to be exacted by the cartel was secondary in importance to the ways by which this wealth might be transferred without dangerously disruptive effects.

The answer emerged, or seemed to emerge, in the developments of late 1974 and 1975. Of these developments, the worst recession since the 1930's proved critical. By markedly reducing the demand for OPEC oil, the sharp economic downturn insured that the real world price of petroleum would remain relatively stable and, as it turned out, even decline moderately. The cost of this insurance proved very high, however. What is more, it was an ominous harbinger, for it indicated that in the absence of new non-OPEC sources of oil of sufficient magnitude to supply the incremental needs of consumers, the movement toward resumption of substantial growth would sooner or later run up against either the constraints on supply imposed by the cartel or—even should supply constraints be moderately relaxed—by the constraints of sharply rising prices.

The pervasive tendency among experts to see the crisis in predominantly economic terms accounts for what now must appear as the rather unguarded optimism of the years 1976-78. That optimism sprang for the most part from the assumption of continued price stability. Even among the less optimistic, it was assumed that the world oil price would remain relatively stable until sometime in the middle 1980's when demand would rise beyond a level that could be met by world supply, OPEC and non-OPEC. At this point, the conditions of 1973 would be repeated, and though the pressures would be less severe than on an earlier occasion, they were still expected to result in a major unilateral price rise by the cartel. Until that time, the world could expect relative price stability. Among the more optimistic, that time was unlikely to come for at least a decade, if then. As one commentator wrote in 1978:

> Since OPEC rode a tide of global economic forces to their crest, it is illogical to assume that it now hangs from an economic sky-hook, immune to the very global economic forces which created its original opportunity. . . . [In] one fell swoop—by the decision to halt production growth and stabilize the high price—OPEC reversed all of the global economic pressures that caused worldwide energy demand to converge on the Persian Gulf in the early 1970's. At $13 per barrel, the Persian Gulf is no longer the unassailable marginal supplier, possessed of a withering comparative advantage. Instead, OPEC has unleashed powerful economic counterforces which will make it the supplier of last resort, not first, and which are already profoundly altering the shape of the global economy.*

The powerful economic counterforces OPEC had called into being—counterforces of conservation, of rejuvenation (whether of coal, oil, or gas), and of development (oil, natural gas liquids, and natural gas)—would correct the energy disequilibrium of the early 1970's.

Have the optimists been discredited by the events of the past eight months? Not necessarily. It may be argued—as, indeed, some do now argue—that the recent OPEC price increases, though admittedly unexpected, will only serve to give added momentum to those counterforces already set in motion, that what had been happening as a result of the incentive provided by $13 per barrel will happen all the more rapidly given the incentive of $20 per barrel. Setting this argument aside for the moment, the point remains—and it is an all-important one—that the very large price rise was unexpected prior to the persisting cutback in Iranian production. Even after it was apparent that the cutback would result in a major unilateral price action by the cartel, the eventual size of the increase came as a surprise. And we may not yet have seen the end of this year's increase.

THE experts are not to be criticized for failing to have foreseen what most of the political analysts who should have been sensitive to the trend of events in Iran nevertheless failed to foresee. But they are to be faulted for their persistent failure to have grasped the broader significance of the actions taken by the OPEC states in 1973-74. It was this failure that led to the unwarranted confidence in continued price stability, at least for the immediate years ahead. Price stability could not be considered apart from the political framework conditioning OPEC actions and Western responses. That framework, however, had been profoundly altered by actions which called into question the issue of secure Western access to Persian Gulf oil.

In taking the actions they did, the cartel members not only asserted a right to determine the price of their oil and to maintain the price by refusing to produce in excess of a certain level. They also asserted a right to deny access to an indispensable source of energy for reasons and in circumstances of their choosing. Such denial is implicit in the act of price setting itself, which of course necessitates the restriction of supply. In a broad sense, then, the very *raison d'être* of OPEC has been the denial of access in order to increase the market value of its members' oil reserves over what they would have been in the absence of the cartel. This is why the argument that was once heard—that our differences with OPEC were simply differences over "prices"—was either obtuse or disingenuous. For the prices could not be separated from the

* David A. Stockman, "The Wrong War? The Case Against a National Energy Policy," *Public Interest*, Fall 1978, pp. 20-21.

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means taken to maintain the prices, and the means—principally restriction of supply—constituted a form of denying access.

Still, it is in a more conventional sense of the term that denial of access is understood and employed. In this sense, it is identified with what are considered to be specifically political circumstances and motivations. This was the meaning of the 1973-74 embargo, and though that particular denial was little more than symbolic in its effects, the assertion of the right together with the absence of a clear challenge in response were significant.

In the years between the 1973-74 embargo and the revolution in Iran, the question persisted whether the Western states had through word and action legitimized the claimed right to denial of access. If the answer appeared unclear prior to the fall of last year, events since that time have gone quite far toward removing former doubt. Western passivity before the total cutoff of Iranian production during the brief period of intense political upheaval and, of much greater importance, continued passivity in response to the decision of the new regime to limit production severely for the present and indefinite future, prompt the conclusion that the claimed right has now been legitimized.

It may of course be argued that the Iranian case is special, in that the Iranians based this denial of access on considerations of domestic policy and not on foreign policy. What is regarded as legitimate in the case of Iran may be considered illegitimate in the case of Saudi Arabia if the latter should again seek to deny access—though this time in a more serious manner than in 1973—in order to influence the course of the Arab-Israeli conflict. The record to date, however, certainly does not afford much support for the distinction thus drawn. Even if it did, the argument on which it is based does not cover the eventuality of a future Saudi Arabian government acting from the same considerations as the present Iranian government. Nor does it address the unforeseen and perhaps unforeseeable situations in which the motivations for action are simply uncertain.

These latter considerations apart, it is clear that the third, and present, phase of the continuing crisis that began with the revolution in Iran differs from the preceding phases in that it was brought on almost entirely by a political event *par excellence*. That event has already had, and will continue to have, momentous economic consequences. It has already led to a price rise of between 50 and 60 per cent, a rise that has evoked anew the question asked at the outset of the oil crisis: how can the world—and particularly the developing states—pay for OPEC oil? It has condemned the industrial countries to at least several years of very slow growth (and to no growth at all in the following year for the American economy), with all the attendant side effects. It has for the time being relieved the OPEC states of dealing with the difficult problems of allocation. Most important, perhaps, it has pointed up a lesson to the principal members of the cartel that they may well be expected to heed in the future—namely, that short of pushing the industrial West into sheer economic chaos, and thus bringing the entire international system down, their best course of action is to produce only so much as they need for sound development, to stretch out the life of their reserves, and to operate on the assumption that oil kept in the ground is a better, and safer, investment than dollar deposits. There was a time when expert opinion inclined to the view that this strategy carried considerable risk for the producers and would likely prove self-defeating. Now, there is much less assurance on this score.

These consequences, to repeat, have followed from the signal event of political revolution in Iran and the subsequent decision of the new Iranian government to keep oil production to approximately half of its former level. They are the direct result of the loss of access suffered by the major industrial consumers in 1973-74. A major producer has chosen to assert a claim the West no longer appears to contest.

Thus attempts to explain the current phase of the continuing crisis as one of supply, thereby laying the blame for the price rise on the West (and particularly on this country), are simply misplaced. There was no problem of supply prior to last fall. Instead, there was a problem—for the cartel—of a continuing surplus which, though modest, was quite sufficient to compel moderation and frustrate the desires of the price hawks. The measures of energy conservation taken by the consumers, the reduced rate of growth that followed upon the recession, and the bringing onstream of new sources of non-OPEC energy, combined to limit the demand for OPEC oil. But the Iranian cutback suddenly altered this emergent pattern and presented the cartel with a golden opportunity. It is ludicrous to see that opportunity as the result of growing scarcity of supplies, brought about in turn by a profligate America that refuses to curb its wasteful consumption of energy. Supplies, both OPEC and non-OPEC, were not becoming more scarce, despite a modest increase in demand between 1973 and 1978, but marginally greater. The explanation of growing scarcity of supply induced by ever rising consumption no doubt serves the purpose of Saudi Arabia's Ahmed Zaki Yamani, but it remains a mystery why this explanation should be accepted by so many in the West who have every reason to know better.

II

THE American government's response to the latest actions of the oil cartel has followed, in the main, a now familiar pattern. The Carter administration, in the manner of its

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predecessors, can find no effective way for the present to challenge the power of OPEC. Indeed, until very recently, the President could not bring himself even to the point of voicing criticism of the cartel. One was almost led to believe that he considered OPEC, as have many others since 1974, a kind of blessing in disguise to the extent that it served to drive home the lesson that we must mend our wasteful ways and, even more, we must seriously consider the dangers confronting societies which make material growth their overriding imperative.

President Carter recently returned to this theme in his much-heralded address to the nation on the energy crisis, when he identified America's crisis of confidence largely with our tendency to "worship self-indulgence and consumption" and our sudden realization that "piling up material goods cannot fill the emptiness of lives which have no confidence or purpose." It does no harm to be reminded that man does not live by bread alone. But it seems doubtful that the contrary belief is at the root of America's present crisis of confidence, assuming such to exist. If there is a crisis of confidence today, it is in large measure owing to the fact that a society committed to constant improvement in its standard of living—what President Carter chooses to term "piling up material goods"—now finds this commitment increasingly elusive of achievement. One reason it does so is the inability of successive administrations, including the present one, to act effectively and with dispatch to meet the challenge of the oil producers' cartel.

This inability has been openly and repeatedly conceded by the President and his subordinates. If anything, President Carter has gone out of his way to emphasize our impotence at present, and for many years ahead, to break the cartel's power over the world oil market. As late as February of this year, he dismissed as an "idle hope" the view that the United States might somehow break up or intimidate the cartel and thereby drive down the price of world oil.

This by now well-advertised attitude is in no way counterbalanced, let alone outweighed, by the President's more recent responses to the OPEC price rise of late June, for these responses only further advertise American impotence. What purpose is served by declaring, as the President did in the wake of the last price action by the cartel, that he was unable to see how "the rest of the world" could accept the "unrestrained and unwarranted increase in OPEC oil prices"? It is not the rest of the world that is in a position to do a great deal about the increases. If any country is in a position to do something, whether by its internal or its external behavior, it is the United States.

But the taking of effective and speedy action internally has been rejected by President Carter. In his energy program he accepted neither a market solution nor an administered solution for a substantial and immediate reduction in the amount of gasoline consumed by the public. At the same time, the prospect of taking effective action externally, which can only mean serious confrontation with the cartel, remains as far from the consideration of this administration as it was from preceding administrations. The President may at last believe the "vivid statement" he has quoted to the nation from his correspondence—"Our neck is stretched over the fence and OPEC has a knife"—but he has shown no disposition to consider any action against OPEC which, even if it would not remove the knife altogether, might at least cause it to be held at a greater distance. Although the policy of appeasing OPEC that has been followed for nearly six years clearly has not worked, and shows no prospect of working, Washington remains as committed to it as ever in everything but its rhetoric.

WHAT has changed in the American, and Western, response to OPEC's actions is the manner in which these actions are now increasingly viewed. In contrast to 1974-75, the challenge of the cartel is now seen less in terms of a new egalitarianism to which many American, and Western, elites in varying degree only recently subscribed and more in terms of a conventional contest of states for wealth and power. The initial sympathy evidenced here and in Europe for the ostensible ends of OPEC actions reflected a preoccupation with what were considered unjust and even dangerous international inequalities of income and wealth. And while this preoccupation was never marked among the governing elites of the major Western states, and clearly not in the administrations of Richard Nixon and Gerald Ford, it is a matter of record that a substantial number of those appointed to high office in the Carter administration did once entertain views which might readily have found in OPEC the historic agent, however imperfect, for giving momentum to a great and necessary transformation. The emphasis on North-South rather than East-West relations, the insistence that North-South relations required a "world-order" politics in place of a balance-of-power politics, and the conviction that equality—individual and collective—was the overriding desideratum of global politics in the late 20th century, inclined the present administration to look on OPEC with tolerance and even sympathy.

There is something of this outlook left in the Carter administration, but not much. The continued appeasement of OPEC cannot be traced today to sympathy for a more egalitarian international system. Nor can it be attributed to any lingering sense of contrition for the past sins of the West. The disastrous effects of the cartel's actions on the non-oil-producing developing countries have dampened egalitarian sentiments, just as the effects of the cartel's actions on Western economies

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have sobered those who once justified OPEC's depredations in the name of atonement. What is left today in the response to the cartel is simply appeasement.

Moreover, it is appeasement destitute even of the pragmatic justification that is normally put forth in defense of such a policy. For there is no evidence that in this instance the policy has either bought needed time or has led to moderation on the part of those demanding change once their initial demands were met. Instead, after a brief period, and when the opportunity again arose, these demands were merely escalated.

III

The erosion of American power that has resulted from OPEC's actions seems so apparent as scarcely to warrant comment, for its signs are everywhere. Indeed, a persuasive case may be made to the effect that it is the oil cartel, and not the rising military power of the Soviet Union, that has formed the greatest threat in the 1970's to the structure of American interests and commitments in the world. Quite apart from the specific constraints on American power (e.g., in the Middle East) that have been consequent upon our passivity before OPEC, there is the general, and altogether critical, constraint consequent upon the loss of credibility before allies and adversaries.

Yet there persists a strong disposition to question the gravity of the cartel's challenge to the American global position. In this respect, as in others, there is a marked parallel between the responses made to the twin challenges presented by OPEC and by the Soviet Union. In both instances, the challenge has been seen either as grossly exaggerated or, to the extent it is acknowledged, as rooted in our own shortcomings as a nation. In the case of the Soviet Union's relentless military build-up, the emphasis has been on the exaggeration of the threat by the "alarmists" among us who are unwilling to confront the "fact" that the utility of military power has markedly declined. In the case of OPEC, it is presumably our almost willful failure to change a way of life that continues to hold us in thralldom to the cartel. In either case, the result is to rationalize the abandonment of power and position, since it is only slightly less difficult to effect a sudden transformation in a nation's way of life than it would be to create a world in which military power might be discounted to the extent that certain advocates now equate with reality.

But the main erosion of American power which the challenge of the oil cartel has effected is to be found in the challenge itself and, of course, in this nation's general reaction to it. It was the absence then and now of an effective American response to the actions of OPEC that has signaled as no other event of the preceding decade the erosion of American power. The power of nations is commonly measured by their capacity and willingness to vindicate interests regarded as vital to their security and well-being. There is no question that access on reasonable terms to a source of energy indispensable to this nation and its major allies constitutes a vital interest. Since 1974 the security of this interest has at the very least been a matter of serious doubt. Yet the United States has consistently maintained a posture of passivity before each successive challenge to this interest.

It is only to labor the obvious to point out that there is an inescapable linkage drawn by friend and foe between our credibility, or rather the lack thereof, for employing power in this instance and in other situations, yet to arise, where our interests may be threatened. Whereas the American response to OPEC has given our major allies further reason to distinguish their interests from ours, it has given the Soviet Union reason to believe those interests more vulnerable to inroads than it had once thought.

If the price attached to the main erosion of American power consequent upon our passivity before OPEC's actions has yet to be paid, the same cannot be said of the subsidiary erosion of that power. The effects of a weakened domestic economy and of an equally weakened dollar on the American capacity to act effectively in the world are daily apparent.

Less apparent, though no less real, are the effects of the loss of American power to influence events in the Middle East. Having abandoned the direct search for a comprehensive settlement of the Arab-Israeli conflict in favor of a separate peace between Egypt and Israel, in the hope that out of such a peace a comprehensive settlement will emerge in time, the administration now finds itself unable to obtain support for its new policy from either Saudi Arabia or Jordan. This failure is perhaps the clearest measure of the erosion of our power and influence in the region. In the case of Jordan, a small client state has simply rejected American overtures that it enter into the broader negotiations dealing with the status of the Palestinians in the West Bank. In the case of Saudi Arabia, the principal supplier of imported oil to this country has not only declared its open opposition to the Egyptian-Israeli peace but has taken measures to give this opposition effect.

In southern Africa too, American policy reflects a sense of growing vulnerability to the power of a major OPEC supplier. Nigeria provides approximately 10 per cent of our current imports. The government in Lagos has declared that it will not tolerate American—or British—recognition of the new government in Rhodesia or the lifting of sanctions and that, in the words of General Obasanjo, if such actions are nevertheless taken they will be "met with an appropriate response"—presumably an oil boycott. The Nigerian government lacks the delicacy and diplomatic finesse of the

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Saudi Arabian government, whose leaders are adept at putting their threats in the guise of rewards for desired behavior—always a more palatable bargaining tactic. In either case, however, the results have been to place serious constraints on American policy. Nor are the merits of policy in the Middle East or in southern Africa of relevance here. Whatever the merits of policy, the point of significance is the extent to which American freedom of action has been compromised by virtue of the fear entertained of OPEC oil power.

IV

To ask whether the erosion of American power can be stopped, if not reversed, is in effect to ask whether there is a satisfactory resolution of the continuing crisis. Few doubt that there is a resolution in the long run, when we will have become much more efficient than today in the use of energy and when we will have found major new sources of energy. But these developments, we are told, will not come to pass before another decade has elapsed and perhaps not even then. If this is the case, the problem is what, if anything, can be done in the interim. Is there any promising way of satisfactorily resolving—or, at least, materially easing—the crisis in the immediate years ahead?

Clearly, the latest response of the administration holds out no such promise. The heart of the administration's program is the President's pledge that the nation "will never use more foreign oil than we did in 1977—never." But that pledge, in the words of the New York *Times*, does little more than ask the American people "that they accommodate gradually to the true price—that is, OPEC's price—of energy and thus learn some discipline from foreign tutors." And as the *Times* also points out: "The knife that the President says OPEC is holding at our neck will still be there in half a decade." Beyond 1985 the President's plan is marked by nothing so much as uncertainty. The optimistic projection of a reduction of imports by 1990 (4.5 million barrels) can be no more than that. For the years immediately ahead, the administration's strategy is largely irrelevant. It poses no barrier against further rises in the price of OPEC oil and it skirts entirely the issue of what might be done, if anything, in the event of yet another, and possibly even more serious, denial of access to the oil of the Persian Gulf.

The major alternative strategy, rejected by the President, is one that would seek an immediate reduction of imports. The reduction might be achieved either through the mechanism of the market or through rationing. In either case, it would probably run in the neighborhood of 10 per cent. Even if we assume a slightly higher reduction of one million barrels a day, the question remains whether this would, as its advocates insist, tame OPEC. One may reasonably doubt that it would. After all, the cartel weathered a far more substantial cutback in consumption during the recession of the mid-1970's, and there is no apparent reason for assuming it could not do so again. Moreover, the optimism that regularly attends advocacy of a strategy of an immediate cut in imported petroleum must be tempered by the events of the past eight months. Having unexpectedly experienced the beneficial effects of a tight market, brought on not by the play of economic forces but by a political event, the cartel members may well redouble their efforts in the future to subordinate the law of supply and demand to political decision. No doubt, a strategy designed for the immediate reduction of imports can easily be justified as desirable in its own right. Taken alone, however, it is not an action whose effects the cartel would find difficult to absorb.

Does a different and more optimistic conclusion emerge if we add to the effects of this strategy the pressures on OPEC that some expect to result from the increasing supplies of non-OPEC oil (and gas)? In the years between 1973 and 1978, world oil consumption rose 1.5 million barrels per day. During the same period supplies of oil from non-OPEC sources rose almost 3.5 million. The need for OPEC oil thereby decreased by some 2 million. The Iranian cut in exports of 3 million changed an oil market from one of glut to one of scarcity (the shortage estimated between 1 and 1.5 million barrels per day). These figures suggest, and some would argue they demonstrably show, that in the absence of the unexpected in Iran, the world oil market was clearly moving in the direction of displacing OPEC from its role as supplier of first resort to that of last resort. They are seen to presage a time that is not far removed when OPEC will no longer have the power to set the world price for oil and, no longer enjoying this power, will itself founder. Iran interrupted this development. But despite the interruption, and the economic dislocation caused by the resulting increase in world prices, the trend toward replacing OPEC as supplier of first resort is expected to continue and even quicken under the impetus of $20-per-barrel oil.*

The persuasiveness of this view depends in the first instance, of course, on estimates of world supply and demand in the five-year period ahead. Not surprisingly, these estimates vary, particularly estimates of demand. A recent OECD study projects an increased demand of 5.5 million in five years and is predicated on an overall growth rate in the industrial countries of 3 per cent. But if, in the aftermath of the current recession, a substantially lower level of growth is projected (1.5 to 2 per cent), the increased demand for oil would go no

*This is the argument made by, among others, Arnold Safer. See his *International Oil Policy*, Lexington Books/D. C. Heath, 192 pp., $13.95.

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higher than 3 to 4 million. On the supply side, projections also vary. It does not seem unreasonable, though, to estimate a total rise in non-OPEC supplies of oil of between 5 and 6 million barrels a day. Taking this projected increase of supply together with the lower estimate of demand, the conclusion is drawn that within a very few years OPEC's present production of between 29 and 30 million barrels a day may be in excess of world demand by as much as 2 to 3 million. These calculations are made independently of the decrease in demand expected from the gathering recession, and which is also calculated to result in an excess of supply by some 2 to 3 million.

Whether in the year immediately ahead or in the longer four- to five-year period, then, the expectation is that the cartel will encounter the glut it did in the years 1975-77. And should this happen, the cartel will again be confronted with problems of allocation, this time more difficult to deal with than before. Whereas in previous years the major oil companies still assumed the task of allocation for the cartel members, today their role has been very substantially reduced. The members themselves must agree on their respective shares of a smaller market and unless the Saudis are willing to absorb most of the cut—which is considered doubtful—the failure to allocate shares will eventually give rise to serious rifts in the cartel and to competitive selling and price cutting. If in these circumstances the American government were to impose a strict quota on OPEC imports or, even better, to institute a system of sealed bidding on such imports, the stage would be set for breaking the cartel's hold on the world price.

IN BRIEF outline, this is the optimistic view of how the crisis may be resolved before those long-range developments have proceeded sufficiently to yield a more permanent solution. For all its apparent optimism it still entails a very stiff price and holds out not inconsiderable dangers. Our deliverance from OPEC is to be achieved by at least five very lean years and quite possibly a considerably longer period. What may transpire politically in the United States during these years is anyone's guess.

Serious as they are, it is not these considerations that engender the deepest skepticism with respect to the above view. Nor is it the heated and unresolved dispute over whether the Soviet Union will continue to export oil and, if so, how much, or turn into an importer by the mid-1980's. The future role of the Soviet Union in the world oil market might well be a factor of major importance in the evolution of the crisis. For our purposes it may be set aside (though not without noting that it introduces yet another element of uncertainty). What cannot be set aside, let alone taken as given, are some of the inarticulate assumptions on which the above view implicitly rests. One such assumption is that the cartel members have learned very little in recent years about the necessary conditions for maintaining their hold on the world oil market. But what evidence we have would seem to indicate they have learned a good deal, perhaps more than the hapless consumers. Recent experience has taught them that if they can concert their actions, the kind of decreases in demand they will have to face can be made up, and perhaps more than made up, by reducing their exports and maintaining a tight market. In the bargain, they will also be able to stretch out the life of their reserves, a prospect that appears—with good reason—increasingly attractive to them. Nor does this assessment depend upon Saudi Arabia's willingness to bear the brunt of a reduction alone. Others —Iran, Kuwait, Libya, perhaps even Iraq—may show a willingness to reduce exports if and when necessary to maintain price. Given the strength of the cartel's position today, there are a number of members able to reduce their output without enduring financial pain.

What is essentially a market solution to the continuing crisis also must, and does, pass over in silence the crucial problem of security of access to Middle Eastern oil. What happened in Iran this past year may happen in Saudi Araba next year (and not because Saudi Arabia is "another Iran," which it obviously is not, but because Saudi Arabia has its own sources of instability). There are any number of possibilities for the disruption of Persian Gulf oil supplies, quite apart from the possibility of overt or covert aggression that is Soviet-inspired and supported. If Iran taught us anything, it is that the principal—though not the sole —threat to security of access comes from the purely indigenous forces of the region, whether these forces are confined within the borders of a state or operate across state boundaries.

If these considerations have merit they can but point to one conclusion. There is very little prospect in the decade ahead for stopping, let alone reversing, the steady erosion of American power consequent upon OPEC's actions—so long as we persist in viewing the crisis as an economic event and continue seeking its resolution by economic means.

V

THIS view of the oil crisis as an economic event has been the great and persisting illusion that has marked the American response from the outset. If we have failed to resolve the crisis, the reason is not simply our failure to take the right economic measures, but our failure to face the fact that economic measures are by themselves insufficient. It would be foolish to deny that we might have pursued a number of domestic measures which, had they been acted upon immediately, would by this time have substantially alleviated our plight. But it is important to realize that impressive corrective measures have

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nevertheless been made. In the past six years there has been a decline of energy consumption in relation to real GNP of approximately 10 per cent. In addition, the rejuvenation of what had been no more than marginally productive sources of oil and gas, together with the search for new sources, adds up to no mean record, particularly in light of a government policy that has held out many disincentives to such ventures. In spite of all this, the crisis remains, and even given a much better record at home in the past six years, it would still have been with us.

Today it appears less likely than ever that there is in the short run a satisfactory, or even a tolerable, economic solution to the continuing crisis. And it is, to repeat, the short run with which we must be above all concerned, if only for the reason that we can know little of the long run and that even if we knew as much as some would pretend, it is only through enduring in the short run that we may reach the long run.

If there is no satisfactory economic solution to the crisis that has erupted again with greater force than almost anyone expected, it is because, like it or not, we are dealing with issues which are quintessentially political. As such, they can be resolved, if at all, only by political means. Until recently it has almost unquestioningly been accepted that we can and must avoid a confrontation with OPEC. But for many, this view has been predicated on the assumption that confrontation was quite unnecessary, that there were distinct limits to the transfer of wealth and power which would accrue to the cartel members, and that this transfer would not place serious constraints on growth at home and policy abroad. What that assumption really came down to was the belief that we could beat OPEC at its own game, whether because we were intrinsically superior at playing the game or because we still held, after all, the trumps. But this belief has now been exposed as hollow. Indeed, the administration has conceded that at the level we have played the game to date, and this is the level at which it is still resolutely committed to playing, we do not have any effective trumps—at least, none that can be played for a number of years to come. The continued avoidance of confrontation with OPEC now holds no other prospect than further concession to its demands.

It is difficult to see the present resignation persisting indefinitely. If nothing else, the events of the past few months have rudely torn the veil of illusion that has obscured our true position and revealed it for what it is. This is why more serious consideration is already being given to the prospects of confrontation. These prospects are not exhausted by the employment of military power. The insistence that they are is more often than not motivated by the desire to do nothing at all. But they cannot exclude the possible use of military power without compromising their effectiveness from the start. The logic of political confrontation over interests as great as those at stake in the oil crisis can have no rigidly prescribed limits and it serves no useful purpose to pretend otherwise.

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Justice Debased: The Weber Decision

Carl Cohen

A RACIAL quota in the allotment of on-the-job training opportunities among competing employees, instituted by management-union agreement, was held lawful by the Supreme Court in the recent case of *Steelworkers* v. *Weber*.* This was an important decision, and a very bad one. Its badness lies not only in the substantive result, upholding preference in employment by race, but also in the reasons given by the Court in defending that result, and in the abuse of judicial discretion manifested.

1.

THE precise question decided was this: does Title VII of the Civil Rights Act of 1964 forbid employers and unions in the private sector from adopting racially preferential employment programs like the one adopted by Kaiser Aluminum and the steelworkers union? The answer was no. The evaluation of that answer requires a brief description of the quota plan approved, and a brief review of the statute in question.

The plan, adopted as part of a collective-bargaining agreement between Kaiser Aluminum & Chemical Corporation and the United Steelworkers of America, provides that, in filling apprentice and craft jobs, "at a minimum not less than one minority employee will enter for every non-minority employee entering" until the percentage of blacks in craft jobs equals the percentage of blacks in the local work force—about 39 per cent at the Grammercy, Louisiana, plant where Brian Weber works. Seniority in the plant was the criterion on which employees competing for admission to on-the-job training vacancies were ranked. But two seniority lists were maintained pursuant to this agreement, one for whites and one for blacks; vacancies were filled alternately from the top of the two lists. Weber, a white employee with about five years' seniority in that plant at that time, was refused admission to three different training programs—although, because of the quota plan in force, some non-white employees having less seniority than Weber were admitted. Believing that he had been displaced only because he was white, Weber brought suit against Kaiser and the union, in behalf of himself and all white employees at that plant similarly situated. His target was the racial preference in that job-training scheme.

The law in question, Title VII of the Civil Rights Act of 1964, reads in pertinent part as follows:

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

It seems hardly possible to deny that this statute does plainly prohibit racially preferential programs of the kind described above. Thus, as one would expect, Weber won his case in the Federal District Court, and won again, on appeal, in the Federal Circuit Court.

That result has now been reversed by the Supreme Court. The opinion of the five-member majority, delivered by Justice Brennan, is devoted almost entirely to an explanation of why, in their view, Title VII does not prohibit the plan in question. This explanation cries out for response. Response is given in two dissenting opinions, one by Chief Justice Burger which is crisp and con-

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* Decided June 27, 1979. Actually three cases were decided together: *United Steelworkers of America, AFL-CIO-CLC*, v. *Brian F. Weber et al.* (No. 78-432); *Kaiser Aluminum & Chemical Corporation* v. *Brian F. Weber et al.* (No. 78-435); and *United States et al.* v. *Brian F. Weber et al.* (No. 78-436). There are four opinions in all: that of the majority written by Justice Brennan; a concurring opinion of Justice Blackmun; a dissent by Justice Burger; and a second dissent by Justice Rehnquist with which Justice Burger joins. Because these opinions have not yet received their formal pagination, my references below will be to the printed sheets issued by the Court, identifying only the author and page number of that author's opinion.

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demnatory, a second by Justice Rehnquist which is scathing and detailed. Justice Rehnquist's tightly woven, thirty-seven page treatise, to which I will be referring, utterly demolishes the majority position. Its cogency is acknowledged by the majority itself.

2.

ON WHAT grounds does the majority reach its result? The *intent* of Congress, say they, in enacting Title VII, was not to forbid racial preference having the wholesome purpose this program did. The key to the problem, says the majority, is not the "literal" meaning of the statute, but its "spirit." If, by studying the history of the Act, one can discover the purposes of Congress in its adoption, and if this plan advances those purposes, the plan will be, if not "within the letter of the statute," yet still "within its spirit," "within the intentions of its makers." Now the aims of Congress in passing this legislation can be readily discovered. In a nutshell, Congress aimed to counteract black unemployment, to protect and promote the opportunities of blacks to get decent jobs. In legislative debate Senators Humphrey, Clark, and others contended that, without such a bill, discrimination against blacks would become a source of social unrest and intolerable injustice. The majority's defense of their interpretation of Title VII rests principally upon the fact that the proponents of the bill repeatedly insisted upon the importance of jobs for minority groups. That having been the goal, they continue, it cannot have been the case that Congress intended to prohibit private parties "from taking effective steps to accomplish the goal that Congress designed Title VII to achieve" (Brennan, p. 8).

The argument of the majority, in effect, is this: "We know the purpose of Congress; we know the purpose of this plan; they are fully consonant. It must be, therefore, that Congress did not intend to forbid this plan. If the literal language of Congress says otherwise, we must interpret that language to mean what it did not say, while saying what it did not mean."

3.

WHAT Congress really did intend with this statute is a matter about which I shall have much to say. Before turning to that historical question, however, I want to say something about the logic of the majority's argument. The majority blunders seriously by confusing *purpose* with *intent*. That the purpose of Congress was to promote employment opportunities for blacks is beyond doubt. It certainly does not follow that any special scheme having that purpose was intended to be permitted. Different persons, or different pieces of legislation, may share the same aim yet differ greatly in what are believed the wise or the just steps properly taken to achieve that aim. This simple but important point is what underlies the common homily: "The end doesn't justify the means." The aphorism is imperfect, of course; ends do serve to justify means. But the moral point of the aphorism is sound: ends, even very good ones, don't justify *any* means that may be thought effective in achieving them. That ends are shared is no proof that there will be agreement on the justice or the desirability of particular instruments or programs for their attainment.

Consider this hypothetical example, also in the sphere of legislative action. Suppose funds were appropriated to explore alternative sources of energy, one of the major purposes of the appropriation being, in the minds of most members of Congress, to reduce dependence on foreign oil. By adopting some measures clearly having that objective Congress would not warrant the inference that every measure having the same tendency had thereby been permitted. Suppose the expenditure of the funds appropriated for the exploration of alternative energy sources, although having the larger aim of energy independence, were also restricted by the provision that these funds were not to be spent on the development of nuclear energy. It would not then have been rational to conclude that a plan to spend the funds on the development of nuclear energy was "within the intentions" of the legislature because (as Justice Brennan says of the racial quota in *Weber*) "the purposes of the plan mirror those of the statute" (Brennan, p. 12). To find out whether Congress intended to advance its larger purposes in that way we would have had to read the enacted statute. If they were to have said: "It shall be unlawful to expend any of these funds on the development of nuclear energy," we might or might not have thought them wise in that restriction. But it does not take great profundity to distinguish between their *purpose* in legislating and their *intent* in that law—between what they would have hoped to accomplish and what they would actually have proposed to do.

In seeking to advance employment opportunities for blacks in 1964, Congress adopted legislation forbidding *all* racial discrimination in employment. To argue, as the majority does, that they cannot have intended to forbid all discrimination because some racial discrimination might also serve their larger purposes, does not do credit to a high appellate court.

4.

WHAT opens the question of congressional intent? Under what circumstances is it appropriate for any court to inquire into the intent of a legislature in enacting the legislation being applied? When the applicability of the language of the statute is unclear, or its word-

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ing is ambiguous, that inquiry may be very much in order. Such circumstances commonly arise. New conditions, unforeseen by the legislature at the time of a law's enactment, may create issues of interpretation that cannot be resolved by its language alone. A court may then be obliged to construe what the legislative intent might most reasonably have been in order to determine fairly the bearing of the statutory language upon the new conditions. Sometimes, in a different vein, legislation may be formulated in deliberately ambiguous language for assorted political reasons. Courts may later be obliged to apply that language to cases treated equivocally in the statute, having then to construe some reasonable legislative intent to guide them.

Nothing like either of these circumstances arises in the present case. The language of Title VII, as Chief Justice Burger observes, exhibits "no lack of clarity, no ambiguity" (Burger, p. 2). The Kaiser quota plan, as all agree, discriminates against individual white employees seeking admission to on-the-job training programs simply because they are white. That, under the very plain language of the statute, is "an unlawful employment practice."

Could it be, perhaps, that the operative meaning of the language of the statute is unclear because it has been sometimes construed by the Court, in past instances, to prohibit discrimination against blacks, but not discrimination against whites? No, that was put out of the question by this Supreme Court in 1976, explicitly interpreting this Title of this statute. White employees who were dismissed after being charged with misappropriating company property brought suit under Title VII because black employees, similarly charged, had not been dismissed. This Supreme Court then concluded, from the "uncontradicted legislative history," that "Title VII prohibits racial discrimination against the white petitioners in this case upon the same standards as would be applicable were they Negroes . . ." (*McDonald* v. *Santa Fe Trail Transportation Co.*, 427 U.S. 273, at 280).

So there is no doubt that Title VII does—or did!—apply equally to all races. That is what the Supreme Court has repeatedly affirmed. Title VII, they earlier insisted, "prohibits *all* racial discrimination in employment, without exception for any group of particular employees" (*ibid.*, p. 283; emphasis in original). A few years earlier, in a landmark interpretation of Title VII, the Supreme Court had agreed unanimously on a definitive account of the legislative intent of Title VII: "The objective of Congress in the enactment of Title VII is plain from the language of the statute. It was to achieve equality of employment opportunity. . . . Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed" (*Griggs* v. *Duke Power Co.*, 401 U.S. 424, at 429 and 431 [1971]). And just one year before *Weber* the very same point was hammered home by the same Court in the context of employment ratios. "It is clear beyond cavil that the obligation imposed by Title VII is to provide an equal opportunity for *each* applicant regardless of race, without regard to whether members of the applicant's race are already proportionately represented in the work force" (*Furnco Construction Corp.* v. *Waters*, 438 U.S. 567 [1978]; emphasis in original).

There is no vestige, no trace of ambiguity or unclarity, either in the language of the statute or in the interpretation repeatedly given to that language, respecting the question whether Title VII protects whites as well as non-whites. There is, therefore, no justification for entering the question of legislative intent. Justice Rehnquist, understandably infuriated, calls attention to the Court's oft-repeated principle applied in another case just as *Weber* was being decided: "Our duty is to construe rather than rewrite legislation" (Rehnquist, p. 3).

5.

BEYOND opening the question of legislative intent where that is not proper, and beyond the muddling of congressional intent with congressional purpose, the majority has given an unbelievably obtuse reading of that legislative intent. Though it is not appropriate in this case even to ask whether Congress intended to permit some racial discrimination with Title VII, the task of answering that factual, historical question is exceedingly easy. The lengthy debates in the House and the Senate are open to us in the *Congressional Record;* majority and minority committee reports of the House on the proposed bill are also open to us; a lengthy, scholarly study of the legislative history of precisely this Title of this Act is available to us.* There can be no genuine doubt—in the mind of one who has examined these materials—about the intent of the Congress in choosing the language they did choose. Democrats and

* The congressional debates appear in Volume 110 of the *Congressional Record* of 1964, extending intermittently over exactly thirteen thousand pages (p. 1,511 to p. 14,511) of ten massive tomes. The House reports appear in *House of Representatives Reports*, No. 914, 8th Congress, First Session, 1963. With the majority and minority reports are printed additional views of particular members of the committee, and views of groups of Representatives, on the bill being reported. The Senate having decided to take up the bill directly, it was not submitted to committee there, hence there are no Senate reports beyond the actual Senate debate, which was very long. The study referred to, used both by Justice Rehnquist and myself, is by Francis J. Vaas, "Title VII: Legislative History," in Volume 7 of the *Boston College Industrial and Commercial Law Review*, pp. 431-58. Vaas records the tortuous path of the Civil Rights Act through Congress with meticulous attention to detail, and makes this striking comment: "Seldom has similar legislation been debated with greater consciousness of the need for 'legislative history,' or with greater care in the making thereof, to guide the courts in interpreting and applying the law" (p. 444).

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Republicans *both*, conservatives and liberals *both*, insisted repeatedly and at great length, illustrating their explanations with detailed examples, that H. R. 7152 (which eventually became the Civil Rights Act of 1964) would forbid *all* racial preference for *any* race.

6.

IN THE House of Representatives the bill was amended by the Committee on the Judiciary to include Title VII because no compulsory provisions to deal with private discrimination in employment had been included in its original form. It was added, the committee noted, "to eliminate . . . discrimination in employment based on race, color, religion, or national origin" (*H.R. Reports*, No. 914, p. 26). That title was further amended on the floor of the House to include a Section, 703 (d), which specifically addressed the prohibition against discrimination (already formulated in 703 (a) quoted above) to on-the-job training! Section (d) of 703 reads as follows:

> It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, *including on-the-job training programs*, to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training [42 U.S. Codes 2000e-2 (d); emphasis added].

Included with the Report of the Judiciary Committee were the lengthy "Additional Views on H.R. 7152" of a group of its advocates, Representative McCulloch and others, which incorporated a passage referred to by Vaas as fairly stating the consensus of the civil-rights proponents as they guided the bill toward adoption. This representative passage includes these sentences:

> Internal affairs of employers and labor organizations must not be interfered with [under Title VII] except to the limited extent that correction is required in discrimination practices. Its [the Equal Opportunity Employment Commission's] primary task is to make certain that the channels of employment are open to persons regardless of their race and that jobs in companies or membership in unions are strictly filled on the basis of qualification [*H. R. Reports*, No. 914, pt. 2, p. 29; Vaas, p. 437].

The major objection faced by Title VII in the House (and again later in the Senate) was the claim that under it racial proportionality in employment might subsequently be required by some federal agency, acting under color of that law. This fear was epitomized in the Minority Report which suggested, as one serious concern, that an employer, under Title VII, "*may be forced to hire according to race*, to 'racially balance' those who work for him *in every job classification* or be in violation of Federal law" (*H.R. Reports*, No. 914, p. 69; emphasis in original). That fear had to be allayed; proponents of the bill strenuously and repeatedly reassured their colleagues that no such racial balancing was contemplated, and that none would be required or even permitted under this Title.

Representative Celler, one of the sponsors of the bill and chairman of the Committee on the Judiciary, at the opening gun of the debate in the House, made the intent of the language of 703 (a) unmistakable. The fear that it would require or permit hiring or promotion on the basis of race resulted, he said, from a description of the bill that was "entirely wrong." He continued:

> Even . . . the court could not order that any preference be given to any particular race, religion or other group, but would be limited to ordering an end to discrimination. The statement that a Federal inspector could order the employment and promotion only of members of a specific racial or religious group is therefore patently erroneous. . . .
>
> The Bill would do no more than prevent a union, as it would prevent employers, from discriminating against or in favor of workers because of their race, religion, or national origin.
>
> It is likewise not true that the Equal Employment Opportunity Commission [established by Title VII] would have power to rectify existing "racial or religious imbalance" in employment by requiring the hiring of certain people without regard to their qualifications simply because they are of a given race or religion. Only actual discrimination could be stopped [110 *Cong. Rec.*, p. 1518].

This theme was echoed repeatedly in the course of the debate in the House of Representatives. Representative Lindsay of New York, among others, took up the defense of Title VII:

> This legislation . . . does not, as has been suggested heretofore both on and off the floor, force acceptance of people in schools, jobs, housing, or public accommodations because they are Negro. It does not impose quotas or any special privileges of seniority or acceptance. There is nothing whatever in the bill about racial balance. . . . What the bill does do is prohibit discrimination because of race . . . [110 *Cong. Rec.*, p. 1540].

With that clear understanding the bill passed the House, 290 to 130, on February 10, 1964.

7.

IN THE Senate, the expression of legislative intent was voluminous and unequivocal. Again the fear of opponents was that some federal inspector might one day impose racial balance under color of this law. Again—and again and again and again—the defenders of the

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bill replied with reassurance, insisting vehemently that such fears were totally unfounded. The key term, "discrimination," appearing in Sections 703 (a) and 703 (d) and elsewhere in the bill, was examined minutely on the Senate floor. Could it be taken to mean (the critics asked) only numerical imbalance? Answer: definitely not. Could it have been, for the framers of the legislation, a technical term, whose hidden meaning was "discrimination against blacks" but not "discrimination against whites"? No, definitely not. Senator Humphrey put that suggestion permanently to rest: "[T]he meaning of racial or religious discrimination is perfectly clear. . . . [I]t means a distinction in treatment given to different individuals because of their different race, religion, or national origin" (110 *Cong. Rec.*, p. 5423). The only freedom of employers that the bill limits, he emphasized, is the freedom to take action based on race, religion, sex, or national origin.

When the Senate took up the substance of the Act directly, after deciding not to submit it to committee, it again became essential for the bill's advocates to answer the complaint that the bill would lead to racial preference. Not so, they insisted. Senator Humphrey again:

> That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion.

In the same speech Senator Humphrey gives a series of examples that ". . . makes clear what is implicit throughout the whole title; namely, that employers may hire and fire, promote and refuse to promote for any reason, good or bad, provided only that individuals may not be discriminated against because of race, religion, sex, or national origin." He repeats himself so that even the deaf may hear: "The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about Title VII" (110 *Cong. Rec.*, p. 6549). Humphrey was majority whip and the floor leader for the Civil Rights Act in the Senate. In his support rose Senator after Senator to give the same explanatory assurances about the intent of the legislation.

Senator Kuchel, the minority whip, emphasized that the seniority rights of workers already employed would not be affected by Title VII. He said:

> Employers and labor organizations could not discriminate in favor or against a person because of his race, his religion, or his national origin. In such matters, the Constitution, and the bill now before us drawn to conform to the Constitution, is color-blind [110 *Cong. Rec.*, p. 6564].

Senators Clark and Case were floor captains in the Senate for Title VII specifically. To them fell the task of explaining that Title, what it meant and did not mean, what it permitted and what it prohibited. Their chief task was to refute the charge that Title VII would result in preference for racial minorities. In a memorandum prepared for the Senate they expressed the intent of Title VII unequivocally:

> [A]ny deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of Title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual [110 *Cong. Rec.*, p. 7213].

A different memorandum, prepared by the U.S. Department of Justice at Senator Clark's request, also makes the point that there is no need to fear employers' being required to maintain racial balance:

> No employer is required to maintain any ratio of Negroes to whites, Jews to Gentiles, Italians to English, or women to men. The same is true of labor organizations. On the contrary, any deliberate attempt to maintain a given balance would almost certainly run afoul of Title VII because it would involve a failure or refusal to hire some individual because of his race, color, religion, sex, or national origin. What Title VII seeks to accomplish, what the civil rights bill seeks to accomplish is equal treatment for all [110 *Cong. Rec.*, p. 7207].

Senators Smathers and Sparkman, granting that the bill did not require the use of hiring quotas, put the attack against Title VII more subtly. Under it, they suggested, employers might be *coerced*, by federal agencies, into giving preference by race. Would that not be permitted under this law? The answer, this time from Senator Williams, was an emphatic negative. Opponents, he replies,

> persist in opposing a provision which is not only not contained in the bill, but is *specifically excluded* from it. Those opposed to H.R. 7152 should realize that to hire a Negro solely because he is a Negro is racial discrimination, just as much as a "white only" employment policy. *Both forms of discrimination are prohibited by title VII of this bill.* The language of that title simply states that race is not a qualification for employment. . . . [A]ll men are to have an equal opportunity to be considered for a particular job. Some people charge that H.R. 7152 favors the Negro, at the expense of the white majority. But how can the language of equality favor one race or one religion over another? Equality can have only one meaning, and that meaning is self-evident to reasonable men. Those who say that equality means favoritism do violence to commonsense [110 *Cong. Rec.*, p. 8921; emphasis added].

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Still the fear that racially preferential hiring would somehow be encouraged or permitted under Title VII would not down. Once again the floor leader, Humphrey, took up the battle:

> The title [Title VII] does not provide that any preferential treatment in employment shall be given to Negroes or to any other persons or groups. It does not provide that any quota systems may be established to maintain racial balance in employment. *In fact, the title would prohibit preferential treatment for any particular group,* and any person, whether or not a member of any minority group, would be permitted to file a complaint of discriminatory employment practices [110 *Cong. Rec.*, p. 11848; emphasis added].

8.

How could the majority of the Supreme Court, in *Weber*, escape the force of this parade of unequivocal accounts marching across the printed record of the process of its adoption? Could they contend, perhaps, that although racial preference was indeed prohibited, that prohibition did not bear upon efforts to overcome the effects of *past* discrimination upon the seniority rights of employees? At one point, conceding that it was the intent of the Senate to forbid the maintenance of racial balance, the majority grasps at a straw: this Kaiser quota plan was not introduced to maintain racial balance, they contend, but to "eliminate a manifest racial imbalance" (Brennan, p. 11 and p. 13). Can the net of clear congressional intent be thus eluded, by making the distinction between "maintaining" racial balance and "eliminating" racial imbalance, holding that Title VII forbids the former but not the latter?

Not a chance. Explicating Title VII, its most thorough congressional students, Senators Clark and Case, wrote in their joint memorandum:

> Title VII would have no effect on established seniority rights. *Its effect is prospective and not retrospective.* Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—*or indeed, permitted*—to fire whites in order to hire Negroes, or *to prefer Negroes for future vacancies,* or, *once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier* [110 *Cong. Rec.*, p. 7213; emphasis added].

The Justice Department had earlier drawn the same conclusion: Title VII could not be used to alter seniority entitlements because of discrimination in employment before its adoption:

> Title VII would have no effect on seniority rights existing at the time it takes effect. . . . This would be true even in the case where owing to discrimination prior to the effective date of the title, white workers had more seniority than Negroes. . . . [A]ssuming that seniority rights were built up over a period of time during which Negroes were not hired, these rights would not be set aside by the taking effect of Title VII. Employers and labor organizations would simply be under a duty not to discriminate against Negroes because of their race [110 *Cong. Rec.*, p. 7207].

The distinction between "maintaining" and "achieving" racial balance was, manifestly, never part of the understanding of the legislature that adopted Title VII.

That distinction, moreover, would have been and is specious from the point of view both of advocates and critics of racial preference. If, after the achievement of racial balance through racial preference, craft jobs again were to become predominantly white, the advocates of racial preference would certainly not be content. Convinced that such imbalance is in itself wrong, they would, understandably, then insist that if racial preference be permitted for the achievement of racial balance, it must be permitted for its reachievement. The claim that such instruments are only "temporary" is a fiction. It will be of little consequence to its advocates that the majority in *Weber* leaned on a tenuous distinction which it will be in their interest to ignore. And the opponents of racial preference—including the 88th Congress of 1964—may rightly insist that if preference by race is in principle wrong, it is no less wrong in the one case than in the other. Indeed, both the Justice Department and the floor captains for Title VII in the Senate very carefully pointed out that maintaining racial balance would be forbidden "*because* it would involve a failure or refusal to hire some individual because of his race . . ." (see above, p. 47; emphasis added). The reference in these arguments is to the actual words of Section 703 (a) cited on page 43 above. Adverse effects upon an employee or applicant because of race would result whether the goal had been the maintenance of racial balance or the achieving of it.

The argument that the Congress intended Title VII to permit racial preference in achieving racial balance, but forbade it for maintaining racial balance, and that therefore once proportionality is achieved all such preference will cease, is unworthy of the Supreme Court; it is a sop designed to placate critics with unreliable assurances that the instrument approved will be only "temporary." In fact ethnic preference, once ensconced, is likely to be nearly impossible to eradicate. To mitigate its unfairness more and different ethnic preferences will be introduced—as already they are being introduced.

Those who condemn racial favoritism condemn it both for achieving and for maintaining racial balance; those who support racial favoritism will

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not object to its use in either role. That distinction cannot serve to render plausible the majority's interpretation of congressional intent in enacting Title VII of the Civil Rights Act.

9.

As DEBATE over the Civil Rights Act continued in the Senate it became evident that the bill would have to be amended to make absolutely clear the fact that it could not later serve as the justification, by any federal agency, of the imposition of racial preference. Only thus might the repeated objections of its most implacable opponents be successfully met. A bipartisan coalition, made up of Senators Dirksen, Mansfield, Humphrey, and Kuchel, cooperating with leaders in the House of Representatives, devised the "Dirksen-Mansfield" amendment, ultimately adopted. Among the changes thus introduced was a clarifying addition, Section 703 (j), very specifically addressing the critics' fears of imposed racial balancing. This section provides that nothing in the entire Title shall be interpreted to require the giving of preferential treatment to any individual because of race. It reads:

> Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified by any employment agency or labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area [42 U.S.C. 2000e–2 (j)].

Now, in an ironic and extraordinary turn, the Supreme Court majority in *Weber* uses the langauge of this section to infer (relying upon what Justice Burger calls a "negative pregnant") that since it bars the requirement of racial preference, but does not specifically prohibit racial preference, it must have been the intention of Congress not to prohibit it! The majority writes:

> The section does *not* state that "nothing in Title VII shall be interpreted to *permit*" voluntary affirmative efforts to correct racial imbalances. The natural inference is that Congress chose not to forbid all voluntary race-conscious affirmative action [Brennan, p. 10; emphasis in original].

This inference is either disingenuous or obtuse. The objection this added section was designed specifically to meet was that racial preference would somehow be required. No one thought it would or could be introduced voluntarily because "voluntary" racial preference precisely had been forbidden by the plain language of the earlier key section, 703 (a), cited above on page 43. Debate in the Senate went on for almost three full months. Never in that entire period was it argued, *by either side*, that employers could, of their own accord, give preference by race. Both proponents and opponents made perfectly clear their understanding that voluntary racial preference by employers, for blacks or for whites, was entirely precluded by the flat and unambiguous wording of those earlier passages, forbidding *any* employment practice that would "discriminate against any individual" because of that individual's race. To add that prohibition yet again, in 703 (j), would have been entirely redundant—and more importantly, it might have diluted the intended force of that particular passage, aimed narrowly at the objection that racial preference would otherwise someday be imposed by government.

That it was so aimed is made exquisitely clear by the difference in the phrasing of 703 (j) from that of the earlier, central sections of the Title. The earlier sections, prohibiting racial discrimination in employment universally, are directed specifically at the employer, and therefore begin: "It shall be an unlawful employment practice for an employer. . . ." Section 703 (j) is directed specifically *at possible federal enforcement agencies*, commissions, or courts, and therefore begins with language indicating that kind of target: "Nothing contained in this subchapter shall be interpreted. . . ." Now to infer, from the fact that this section does not repeat the prohibition already several times explicit in earlier sections, that it was the intention of Congress not to prohibit racial preference, is a transparently unsound defense of so grave a decision.*

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* The argument called a "negative pregnant" is technically described as one having the form *modus tollens:* if p entails q, and q is false, then p must be false. The form is valid, of course—but in this application of it the argument (in either of two possible reconstructions of it) is built upon a false premise.

Version A: "If Congress had intended to forbid all racial preference they would have said that explicitly. They did not say that explicitly. Hence they did not intend that." In this version the second premise is plainly false; the congressional ban against racial preference in Section 703 (a) is perfectly explicit.

Version B: "If Congress had intended to forbid all racial preference they would have expressed that intention explicitly in Section 703 (j). They did not express that intention there. Hence they did not have that intention." In this version the second premise is true but the first is false. There was no need for Congress to repeat, in Section 703 (j), the ban it had already made explicit earlier, and there was good reason not to do so.

Arguments relying upon false premises, even when valid in form, are not sound.

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Lest there be any doubt, however, about the intent of the Congress *after* the addition of 703 (j), we can return to the debate itself. Senator Saltonstall, defending the Dirksen-Mansfield amendment including 703 (j), says of it, very plainly: "The legislation before us today provides no preferential treatment for any group of citizens. In fact, it specifically prohibits such treatment" (110 *Cong. Rec.*, p. 12691).

And yet again, in defending the amended bill against Senator Ervin's criticism that it "would make the members of a particular race special favorites of the laws," Senator Clark answers: "The bill does not make anyone higher than anyone else. It establishes no quotas." Employers, labor unions, employment agencies, remain free, Clark points out, to use normal judgment in their business activity—but:

> All this is subject to one qualification, and that qualification is to state: "In your activity as an employer, as a labor union, as an employment agency, you must not discriminate because of the color of a man's skin. . . ." That is all this provision does. . . . It merely says, "When you deal in interstate commerce, you must not discriminate on the basis of race. . . ."

In the event this be somehow misunderstood, he repeats himself in that speech:

> All it [Title VII] does is to say that no American, individual, labor union, or corporation, has the right to deny any other American the very basic civil right of equal job opportunity [110 *Cong. Rec.*, pp. 13079-80].

Senator Cooper, anxious to make the force of what was soon to become law unmistakably clear, also responds to Senator Ervin's concerns, saying:

> As I understand Title VII, an employer could employ the usual standards which any employer uses in employing—in dismissing, in promoting, or in assigning those who work for him. There would be only one limitation: he could not discriminate, he could not deny a person a job, or dismiss a person from a job, or promote on the sole ground of his color, or his religion, other factors being equal [110 *Cong. Rec.*, p. 13078].*

10.

But how, one asks, can the majority not have been fully aware of all this? They must have seen the draft of Justice Rehnquist's dissent, which makes the same points vividly. Did they, perhaps, find other evidence within the record of the debates in Congress, evidence that has here been left unmentioned, which might somehow permit a reading of congressional intent to permit racial preference? No, no evidence has been suppressed here. Like Vaas and Justice Rehnquist, upon whose guidance I have relied, I have scoured the pages of the *Congressional Record*; like them I have registered only a fraction of the evidence against the majority's interpretation. If, in all those pages, there were evidence that *any* Senator or Congressman had the intent that the majority ascribes to the whole Congress, we may be certain it would have been dug up and registered within the majority opinion. No such evidence appears there. Here again we may indeed rely upon a negative pregnant. In this majority opinion, in which every quotation from the congressional debates is presented that might contribute, even with arguments far-fetched or unsound, to an excessively strained interpretation of congressional intent, the absence of any passages that actually express that intent is very revealing.†

The plainest proof that the members of the majority in *Weber* cannot have been in ignorance of the actual intent of Congress, and after searching could find no evidence of contrary intent, is given by Justice Marshall himself. In a 1976 opinion, writing for the Court, he presents a careful analysis of the intent of Congress in Title VII. He quotes Representative Celler, saying Title VII was intended to "cover white men and white women and all Americans" (110 *Cong. Rec.*, p. 2578). He cites Senator Humphrey, Senator Clark, Senator Case, and Senator Williams in passages like those quoted above. Justice Marshall concludes that "Its [Title VII's] terms are not limited to discrimination against members of any particular race." He then substantiates this judgment by extended

* That Congress intended its prohibition of racial preference expressed in 703 (a) to be general, to ban preference for minorities as well as for the white majority, is strongly confirmed by the striking fact that in the one case in which they did wish to make an exception, permitting one very special kind of preference in one very special setting, they identified that exceptional case and delimited it narrowly in Section 703 (i), with carefully chosen words: "Nothing contained in [Title VII] shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he is an Indian living on or near a reservation."

From the specific inclusion of that one exception it is manifest that only by such specific language did Congress intend exceptions to be justified. No other such exceptions appear. Here is a negative pregnant—a valid *modus tollens* argument—worthy of respect: "Where Congress intended an exception to the general ban on racial preference it identified the excepted case explicitly. It identified no exception for private employers or unions save that regarding Indians on or near a reservation. Hence it intended no exception but this one." In this case the premises are all true and the argument is sound.

† Again the valid argument is in the form of *modus tollens*, and again its premises are true: "If Congress had intended to permit private racial preference in employment there would have been clear expression of that intention by at least some defenders of the Act in the course of lengthy debate. No such expressions appear. Hence Congress cannot be supposed to have had that intent." There is nothing wrong with *modus tollens;* its effectiveness in argument, however, depends upon the truth of the premises relied upon.

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reference to the interpretation of Title VII given by the Equal Employment Opportunity Commission:

> The EEOC, whose interpretations are entitled to great deference, . . . *has consistently interpreted Title VII to proscribe racial discrimination in private employment against whites on the same terms as racial discrimination against non-whites,* holding that to proceed otherwise would "constitute a derogation of the Commission's Congressional mandate to eliminate all practices which operate to disadvantage the employment opportunities of any group protected by Title VII, including Caucasians.

Justice Marshall explains, representing the Court, that the history of legislative intent in adopting Title VII is *"uncontradicted"* (*McDonald* v. *Santa Fe Trail Transportation Co.*, 427 U.S. 273, at 278-80, 283; emphasis added).

Members of the House and Senate are quoted by the majority, to be sure. But the quotations serve to establish matters only tenuously related to the central point at issue. Repeated citations from the debates are given to establish that it was the larger purpose of Congress, in tackling this legislation, to promote employment opportunities for blacks. That, as we have seen, is not at issue, and does not speak to the question of what prohibitions were intended. Several citations are given to show, correctly, that one major concern in the Senate when introducing Section 703 (j), which precludes the requirement of racial preference by the enforcers, was to reduce the likelihood of federal interference with private business. That was an aim of many Senators; but showing that does not prove, or even tend to confirm the thesis, that Title VII as a whole was designed to permit nongovernmental racial preference.

One other citation by the majority deserves attention. To give credence to the claim that the distinction between private racial favoritism and federally required racial favoritism was before the congressional mind, the majority quotes from the House Committee report favoring the original bill. The passage says that "the enactment of Federal legislation dealing with the most troublesome problems [of social discrimination] will create an atmosphere conducive to voluntary or local resolution of other forms of discrimination." The majority fastens on this sentence, even adds emphasis to the final phrase, suggesting that it proves that a voluntary racial quota in employment is one of those "other forms" for which the Civil Rights Act had created the atmosphere (Brennan, p. 8).

Fallacious would be the gentlest way to describe this argument—in view of the failure, not likely to be accidental, to quote the lines immediately following the cited passage. An explanation is given there of the distinction between "the most serious types of discrimination" and those other varieties for which voluntary attention might be encouraged. The serious types, types this House report there suggests *will* be dealt with by this bill, specifically include voting, public accommodation, *and employment.* The omitted passage reads:

> It is, however, possible and necessary for the Congress to enact legislation which prohibits and provides the means of terminating the most serious types of discrimination. This H.R. 7152, as amended, would achieve in a number of related areas. . . . It would prohibit discrimination in employment [*H. R. Reports,* No. 914, p. 18].

The forms of discrimination it was hoped might yield to voluntary action were those *other* than discrimination in employment, voting, and the like. Indeed, employment discrimination is mentioned repeatedly in the report as being of the most serious kind, the kind for whose prevention this legislation was specifically designed.

There is not a shred of evidence in this passage that the report actually envisaged voluntary racial *preference* of any kind, or that would have suggested to the House that such preference—especially in employment—was permissible under this Act.

II.

ONE HATES to flog a dead horse. But this horse came to life in an extraordinary opinion of a Supreme Court majority—so I report, finally, the understanding of the Civil Rights Act of 1964 as that understanding was registered in the final hours of debate on the Senate floor—after which it was returned to the House and approved as amended. The legislative decision was at hand. The advocates of the bill, now under cloture, had to give their final defenses and interpretations. On the point at issue here their remarks were unmistakably clear.

Senator Muskie:

> It has been said that the bill discriminates in favor of the Negro at the expense of the rest of us. It seeks to do nothing more than to lift the Negro from the status of inequality to one of equality of treatment [110 *Cong. Rec.*, p. 14328].

Senator Moss:

> The bill does not accord to any citizen advantage or preference—it does not fix quotas of employment or school population—it does not force personal association. What it does is to prohibit public officials and those who invite the public generally to patronize their businesses or to apply for employment, to utilize the offensive, humiliating, and cruel practice of discrimination on the basis of race. In short, the bill does not accord special consideration; it establishes equality [110 *Cong. Rec.*, p. 14484].

Very self-consciously, aware that it was making history, the Senate passed the amended Civil Rights Act on June 19, 1964, by 73 to 27, every member voting. The struggle in that body, as Vaas

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describes it, had been "titanic and protracted." The meaning and force of every line, every phrase in the bill had been intensely scrutinized and explained with scrupulous care. The legislators knew precisely what they were prohibiting with this legislation, and we know exactly what they understood themselves to be doing because they took care, very deliberately, to put their explanatory accounts on record.

No impartial judge, properly attentive to the abundant evidence that establishes dispositively the true intent of Congress, could honestly conclude that its intent was to permit private racial preference in employment. Yet that is what the majority has concluded, in a decision that is, taken all in all, simply shocking.

12.

ARE THERE no redeeming features of the majority's decision? Yes, there are several—all respects in which the impact of the decision is explicitly limited. "We emphasize at the outset," writes the majority, "the narrowness of our inquiry" (Brennan, p. 4).

Although the impact of the decision will prove very substantial, it is, indeed, narrow in a technical sense. Its narrowness is a consequence of the explicit intention of the majority to decide the case entirely as one of statutory interpretation. What the majority decided about the Kaiser quota plan, it will be recalled, is no more than that Title VII of the Civil Rights Act does not forbid it. Restricting themselves to an interpretation of the statute was possible for the majority because, they said, "this case does not present an alleged violation of the Equal Protection Clause of the Constitution." It does not, they explain, because the racially preferential quota in question was entirely within "the private sector." The plan did not involve "state action" [*ibid.*].

This view of the Kaiser plan is at once reasonable and ironic. It is ironic because although this racial quota surfaced only in a labor-management agreement, it had been introduced there as a result of threats of contract cancellation by a federal enforcement agency. Threats why? Because Kaiser's work force was not racially balanced. In the language of the Office of Federal Contract Compliance, minorities were being "underutilized" by Kaiser. By devising job-training racial quotas in submission to that threat, Kaiser and the union showed how well-grounded were the fears of those who had wished to preclude not only the federal requirement of racial preference, but the federal coercion of it. The addition of Section 703 (j) sought to guard against the first of these dangers. Now its very language is used to realize the second, accomplishing indirectly what that language was designed to prevent directly.

In a historical aside that would be amusing if it did not reflect upon the highest court in the land, Justice Rehnquist cites a remark by Senator Sparkman in projecting the uses to which Title VII may one day be put: "Certainly the suggestion will be made to a small business that may have a small government contract . . . that if it does not carry out the suggestion that has been made to the company by an inspector, its government contract will not be renewed" (110 *Cong. Rec.*, p. 8618).

Yet the Court's distinction between state action and private action remains reasonable. However pernicious racial discrimination may be, it is right to distinguish between immoral acts done by private parties (even when arguably coerced) and the same acts done directly by a representative government. To accept that distinction is not to suggest that the majority is correct in holding this private racism lawful. Under any plausible reading of the Civil Rights Act, it is not. But not all private nastiness is public business, and we are wise to agree that, where state action *is* clearly involved in racial preference, the problem rises to a different and higher level of gravity.

Because the majority puts substantial emphasis on the distinction, introducing it at several points in its opinion, it is reasonable to conclude not only that the majority opinion does not cover public employers, but that public employers—government agencies, public universities, etc.—cannot rely in any way upon the permission here being given to a private employer.

Private employers also, as a matter of morality, might reasonably refrain from engaging in practices believed to be forbidden to public employers. There is an odious quality in conduct narrowly held lawful but which, if pursued by government, would create at least a serious question of constitutional right. Sooner or later the fundamental question will arise again in a context obliging a full-blooded constitutional response by the full Court. When that happens we may hope for a wiser result.

What is the likelihood of an eventual constitutional reversal of *Weber*? No one can say with confidence. The present Court is deeply divided on this cluster of issues. *Weber* was decided by a vote of 5 to 2. Justice Stevens, author of the opinion in support of Allan Bakke in that analogous case, excused himself because he had once served as an attorney for Kaiser. Justice Powell was kept from presence at the oral argument by illness, and also took no part in *Weber*. In any later constitutional resolution in which Justices Stevens and Powell participate it is exceedingly likely that both would find racial preference of every kind unacceptable. Powell has vigorously expressed his condemnation of racial preference, rejecting any "two-class" theory of the Equal Protection Clause. Justices Marshall and Brennan, the most vigorous defenders of racial preference on the present Court, are not in good health. When this matter is faced afresh, in the context of the Fourteenth Amendment's demand that no state "deny to any person

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under its jurisdiction the equal protection of the laws," the complexion of the Court may well have changed.

The majority opinion is narrow in the further sense that it gives almost no guidance to those who might wish to expand racial preference. No principles of acceptability for racial preference are advanced. The majority explicitly refrains from defining in detail "the line of demarcation between permissible and impermissible affirmative-action plans." It holds only that this plan, which gives preference to blacks over whites for job-training opportunities but not for employment itself, "falls on the permissible side of the line" (Brennan, p. 12). Any racially preferential program, therefore, that goes in any way beyond this one might immediately lose the support of one or more of the five members of the majority, thus failing on subsequent test. What is learned in *Weber* is that the Supreme Court now holds this precise plan not to be forbidden by Title VII of the Civil Rights Act of 1964—no more than that.

13.

FINALLY, there will be political repercussions from *Weber*, partly because they have been invited by the Court, and partly because the decision of the Court is very likely to provoke them.

Political response is invited by the fact that the majority opinion hangs entirely on its interpretation of the intent of Congress. It remains open to Congress to register its true intent so clearly that even this majority could not fail to perceive it. Justice Blackmun, exhibiting troubled reluctance in his concurring opinion, and reiterating his hopes for an early end to racial preference he had himself (in his *Bakke* opinion) called "ugly," concludes his opinion with an explicit invitation to the Congress: "And if the Court has misperceived the political will, it has the assurance that because the question is statutory Congress may set a different course if it so chooses" (Blackmun, p. 8).

That the intent of Congress to forbid all racial preference in employment already appears in the unambiguous words of Title VII, Section 703 (a), quoted above (p. 43) is indisputable. Yet it is possible that formal congressional reemphasis of its intent would cause the Court to desist in its efforts to rewrite the legislation to its taste. Congressional efforts to accomplish just this objective are likely to be undertaken, but the success of any such legislative shoring-up of Title VII is doubtful.

There is a provocative aspect of the majority opinion in *Weber*, however, that may actually drive the Congress to underscore its earlier demand for equal treatment of the races. This is a feature of the decision which, upon reflection, appears even more insensitive than the misreading of congressional intent. I refer to the callousness, manifest in the majority opinion, toward the interests of ordinary working-class people. Allan Bakke was ordered admitted to the medical school at Davis; blatant racial discrimination against him was not tolerated. Brian Weber, a working man without skills or influence, and without the organized support of the intellectuals, can be left to bear the burden, even though his rights may be infringed upon. The majority is explicit on this point. To advance the racial balancing they think good it may be necessary, they say, to "*trammel the interests of the white employees*" (Brennan, p. 12; emphasis added).

Five members of the Supreme Court may find this a comfortable position in which to rest; most elected legislators will not. It may be that by egregiously misreporting the intent of Congress, and then boldly expressing their own willingness to sacrifice the interests of one race to advance the interests of another, the majority in *Weber* has taken those provocative steps that will lead eventually to more emphatic legislative insistence upon the equal protection of the laws.

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The Illusions of SALT

Leopold Labedz

The Lessons of History

DURING the last world war, Leopold Schwarzschild, the anti-Nazi critic of German nationalism, wrote a trenchant analysis of the illusions of the inter-war period:

> Never again must we succumb to the myth that power and armaments and compulsion are of themselves sinful and evil as such. They can be the opposite as well. . . . The "moral" value of power and weapons and compulsions is determined exclusively by the purpose they serve. . . . Everything is lost when indecision undermines and paralyzes [the] defenders [of freedom]. This indecision was one of the tragedies of the accursed decades. . . . The voice of twenty years warns us that in the business of enforcing peace and order there is no substitute for our own will and our own power.

Nevertheless, the same errors which permitted the rise of Germany's military might, without countervailing moves by its democratic opponents, have begun to be repeated vis-à-vis the growing power of the Soviet Union. Many observers have been struck by the parallel. Professor Eugene V. Rostow recently wrote in COMMENTARY (February 1979):

> The arguments made for SALT II today are the same as those put forward on behalf of the Washington Naval Treaty of 1922 and the other arms-limitation and arms-reduction arrangements on which the Western governments lavished too much time, attention, and hope during the 20's and 30's. . . . The post-World War I arms-limitations agreements . . . reinforced the blind and willful optimism of the West, thus inhibiting the possibility of military preparedness and diplomatic actions through which Britain and France could easily have deterred the war.

The standard objection to such analogies is that the problems of the present are not those of the past: the nuclear threat did not exist before, and Brezhnev is not Hitler. All this is true enough, but it does not follow that old illusions cannot reappear in a different historical context. Even the lessons of Munich were known before, as the ironic paraphrase current at the time indicates: "*Si vis pacem—para umbrellum*. . . ." It is not the situations which are the same, but the attitudes toward them.

The question of how to face Soviet expansionism has been complicated continually by these old illusions. New rationalizations for indecision have been reinvented, contributing to the decline of American power.

I am not concerned here with unilateral disarmers or Soviet sympathizers (there are few of either left), but with those who rationalize the inadequate handling of security in terms of the universal quest for peace. Just as the illusions of Munich were succeeded by the illusions of Yalta, so the illusions of "détente" are now being replaced by the illusions of the "SALT process."

From Deterrence to Mutual Assured Destruction

WITH the advent of the cold war, the concept of deterrence became the cornerstone of Western security. American nuclear superiority was seen as providing the countervailing power to Soviet superiority in conventional forces.

When, however, Khrushchev started brandishing his nuclear weapons, the idea of superiority was abandoned as irrelevant and in its place Robert McNamara and his "whiz-kids" invented the concept of mutual assured destruction (MAD). Under this new doctrine, "rough strategic parity," accepted in advance as Soviet conventional superiority had been accepted after World War II with the precipitous American demobilization, was expected to produce a "plateau of stable deterrence" independent of the political, ideological, and historical differences between the two countries. With "unacceptable damage" assured by the capabilities of both sides, not only the United States but also the Soviet Union would see that nuclear war was unwinnable. Both countries would stabilize their nuclear competition which had become not only inordinately costly but also irrational, as additional nuclear power could not bring additional security. To be sure, the backward Soviet strategists had not yet seen what their true strategic interests were in this situation, but they would soon be educated by their sophisticated

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American colleagues. It was not even necessary to believe in that other fashionable illusion of the period—the theory of the general convergence of the American and Soviet systems—to accept the "tough-minded" hope of the inevitability of "strategic convergence" in the age of "overkill."

As for the political implications of the shift from nuclear superiority to nuclear parity, too much concern over them could only postpone the implementation of the MAD doctrine for the benefit of reciprocal security and of all mankind.

With such expectations, the American effort to maintain strategic-nuclear superiority was abandoned. The voices of dissent were drowned out by the chorus of strategic "new thinkers" who denied that the Soviet Union might now aim at strategic superiority: this would be completely pointless within the framework of MAD.

In the earlier phase of the cold war, political considerations had often been disregarded because America felt certain that it could contain Soviet expansion through "extended deterrence" arising from its nuclear superiority. Now, ironically, the political dimension was disregarded on the basis of the new complacent strategic premise, the "sufficiency" argument, which paved the way for SALT I.

From Nuclear Parity to Soviet Strategic Superiority

UNFORTUNATELY, these sanguine predictions turned out to be wrong. The new strategic axioms have proved to be figments of the imagination with no relation to reality, just another set of sophisticated illusions in the long list of irrepressible fallacies arising out of wishful thinking: from Chamberlain's "Peace in Our Time" in the days of Munich, through the expectations of a stable postwar world after the Yalta agreement (with free elections in Eastern Europe under Stalin's tutelage), to the "end of the era of confrontation" under the Nixon-Kissinger "détente."

Once again the Soviet Union refused to play the game according to Western political wishes or strategic rules. Its "primitive" strategists perversely refused to accept mutual assured destruction as the basis of Soviet strategy and opted instead for a "fighting-and-winning" strategic doctrine. They were ready to "think the unthinkable," while pursuing a general policy of prudent expansion.

They did not want a nuclear war—far from it. Soviet leaders were not and are not adventurers, much less suicidal ones. They want to prevail without a nuclear holocaust. A strategy of nuclear superiority is quite compatible with this aim, indeed a necessary precondition of it, whereas mutual assured destruction is in their eyes a doctrine consecrating the status quo. Unlike the Americans, they do not divorce strategic from political considerations, and they know that in a "correlation of forces," the projection of power at every level may ultimately depend on the perception of the central strategic balance, even though the latter may not be immediately translatable into direct political influence. For that, other means are necessary.

Soviet leaders are firmly convinced that their power in the nuclear chess game depends importantly, even though not exclusively, on their nuclear-strategic posture. If the missiles are not going to be used, the mere readiness and the ability to use them in the context of conventional and nuclear superiority would facilitate, if not assure, Soviet expansion without nuclear war. Those who imagine direct nuclear ultimatums to the United States completely miss the point of patient Soviet strategy. That strategy aims at both nuclear and conventional superiority because it would give the Soviets a regional political and military advantage, as well as global diplomatic leverage, and thus the possibility of prevailing in local confrontations. This would increasingly extend Soviet influence and control in the overall non-nuclear tug of war and would avoid the risks of nuclear confrontation, because in such a situation it is the Americans who would "blink," assuming they would even go to the brink of an "eyeball to eyeball clash." In short, American deterrence would be further eroded not only in "gray areas" of the world, but also in strategically vital regions, and the shadow of the Soviet Union's rising power would lengthen both in terms of conventional military opportunities and of potential political impact.

It is pertinent to remember that in the 1930's those who resisted British and French rearmament at first minimized the danger of the German military build-up. But finally even Prime Minister Baldwin had to admit that British intelligence had seriously underestimated the German build-up (although not to the extent the CIA has done with Soviet military expenditures); after a certain point the feeling began to spread that it was impossible to resist Hitler because he was now too strong. And this was before the nuclear era: how much more effective such a fear of the adversary's military superiority would be now!

SALT I and SALT II Compared

IT IS, of course, possible to argue that nuclear superiority is meaningless. As Henry Kissinger said at the time of SALT I: "What in the name of God is strategic superiority at such level of destruction? . . . And what do you do with it?" But Kissinger recently admitted in an interview in the *Economist* that he is worried about the "vulnerability" of the American Minuteman missiles, and here as well as in his Senate testimony on SALT II he has implicitly conceded that he was wrong in dismissing the importance of nuclear preponderance. Even the studies of the Brookings Institution acknowledge nowadays the political and psychological significance of such factors. Public perception of

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them is hazy, but diplomats continue to count divisions and missiles; negotiations over conventional and nuclear arms are very much affected by perceptions of the relative strength of the adversaries.

At the time of SALT I, Soviet military preponderance was still beyond the horizon, although discernible as a possibility. The illusions of the treaty were rooted in the illusions of the "détente" euphoria. In a country wearied by the Vietnam war, the siren song of "détente" was heard as the music of the future. With trumpets blaring and a gullible press applauding, a new era of Soviet-American relations in which the Soviet Union would be tied in knots by a myriad of common-interest deals ("linkages") was solemnly proclaimed. The Soviet Union would now behave "responsibly," would tell the United States about any regional dangers looming (i.e., disclose in advance whatever local mischief it might contemplate), and try not to "obtain unilateral advantage at the expense of the other power." Such blatantly unrealistic nonsense was earnestly believed and incorporated in the official documents of "détente." The "experts" were busy producing analytical rationalizations for it.

SALT I was born of a marriage between the self-deceptions of "détente" and the false conceptions of the MAD strategy. The connection can be illustrated in many different ways, but nothing exemplifies it better than the remark by the head of the American SALT I negotiating team, Ambassador Gerard Smith, to the effect that Soviet acceptance of the ABM treaty implied the acceptance of the American postulates for strategic stability—a fantasy contrary to all past (and future) evidence.

AT THE time of SALT I the skeptics were not yet being called "warmongers" (as Churchill had been), but they were labeled inveterate "cold warriors." Surely the Soviet Union would not jeopardize "détente" by acting in line with their expectations.

But the Soviet Union did. Between SALT I and SALT II the Soviet Union has pursued its relentless military build-up, displayed the same old hostile mendacity in its anti-Western propaganda, arrested and expelled dissidents in violation of the Helsinki agreement, and, last but not least, exploited every opportunity to undermine American and Western positions in its expansionist drive. In this short period seven more countries have become client states of the Soviet Union through political and military action and coups d'état: Vietnam, Laos, Angola, Ethiopia, South Yemen, Afghanistan, and Cambodia. Its Cuban proxies were followed into Africa and the Middle East by East German and even some Soviet soldiers. Its navy was steadily growing and searching for bases. It was difficult to believe that all this could simply be the result of bureaucratic inertia, as Secretary of Defense Brown and others said. It was also difficult to explain it away by the standard argument (since Yalta) about the Soviet need for security (this time in Africa [!] not Eastern Europe). As for the assumed (by some) irrationality of the Soviet military drive, building gun-boats is not necessarily irrational. It is sometimes done to practice gun-boat diplomacy.

In short, it was difficult for the American public to resist the commonsense impression that "détente" was indeed a "one-way street," that it was being used by the Soviet Union to strengthen itself and to expand. The whole concept of "détente" turned sour and President Ford even proposed abandoning the term; others proposed substituting a new term—"cold détente."

But illusions die hard. Instead of finally facing facts ("Which ones?"—asked one commentator—"There are so many of them. . . ."), believers in "détente" began producing new rationalizations for the old attitudes and fallacies.

Henry Kissinger argued first that "détente" was needed to support SALT, then that SALT was needed to support "détente." Now SALT supporters argue that SALT is necessary independently of "détente." The contrast between the selling of SALT I and SALT II illustrates this development vividly. The hard sell used for SALT I has now been replaced by the soft sell for SALT II. Zbigniew Brzezinski calls it a "treaty without illusions," and hardly a day passes without an official speech stressing that it is only a "modest step" toward "arms control." It is nothing of the sort; it is a further step toward Soviet strategic superiority, however this may be rationalized.

Just as the hopes of "détente" have gone with the wind, so also have the celebrated "linkages" which were so prominently used to sustain the promise of a "stable strategic relationship" in SALT I. All these hopes, or rather false expectations, are now candidly described as "exaggerated" ("détente has been oversold"), often by the very same people who were doing the exaggerating and overselling in the first place. The "trading of vulnerabilities" in SALT I led, through the abandonment of the American technological advantage, to an increased *American* vulnerability rather than to the promised "plateau of stability." Linkages are now strictly forbidden as an argument justifying SALT II. On the contrary, unlike SALT I, which only legitimized nuclear parity, SALT II, which legitimizes the Soviet drive toward nuclear superiority, must not be treated as part of a general political process but deliberately separated from it. Its supporters frequently say that "It is not a reward for Soviet good behavior," being too important for any political trade-offs to be attached to it. In fact, it looks more like a reward for Soviet bad behavior.

The Soviet Union itself never separates political from military factors, and it takes good care in timing its military endeavors according to political as well as strategic indications. While SALT I was being negotiated, Brezhnev promoted an "offen-

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sive of smiles," but after it was achieved, he indulged in his African adventures. Now that the ratification of SALT II is at stake he has started to coo again. We can be sure that once SALT II is ratified the tune will change again and the cycle will be repeated.

From SALT II to SALT III

IT MAY be argued that SALT I was an experiment and that one should not judge too harshly the imprudent hopes attached to it. But now that we know what has happened since, this knowledge should be kept in mind in considering the ratification of SALT II.

Ambassador Gerard Smith still believes that SALT I was a great boon to the United States, that "American security is better now, after almost seven years of operating under SALT I, than if the ABM treaty and the missile freeze had not been approved by the Congress in 1972 and an unlimited competition had continued." But one cannot share this opinion, considering that during the 1970's the Soviet Union deployed seven new weapons systems (the United States—none) and acquired seven new pro-Soviet countries, not to mention other disturbing developments detrimental to American and Western security. SALT I did not establish arms control nor has it imposed strategically relevant arms limitations on the Soviet Union. It permitted the Soviet Union to do what it intended to do anyway: Soviet economic and technological weaknesses were the only constraining factors. The United States, by contrast, accepted numerical inferiority and was lulled into complacency about this situation.

In the 1960's Robert McNamara predicted that the Soviet Union would not try to catch up with the American ICBM force. But it did. At the time of SALT I it was widely asserted (and believed) that it would be a long time before the Soviet Union would be able to MIRV its missiles. Now Secretary Brown himself has stressed that in the early 1980's the Soviet Union's MIRVed missiles will be able to destroy the entire land-based component of the American deterrent triad.

At the time of SALT I those who questioned the Soviet attachment to equivalence or parity were dismissed as "hardliners." Now Secretary Brown has acknowledged that "the Soviet Union rejects the concept of minimum deterrence and assured destruction," and has said that he is worried about "the degree of emphasis in Soviet military doctrine on war-winning nuclear capability, and the extent to which current Soviet programs are related to the doctrine." In a recent speech at Annapolis he disclosed that "in the past decade, the Soviets have added over 1,000 strategic missiles to their inventory and increased their number of deliverable warheads threefold" and that they "continue with the policy of building forces that could be used in a preemptive, counterforce mode."

In short, the fears of the skeptics have proved to be justified; the premises of the architects of SALT I, false; the strategic perils which emerged between SALT I and SALT II, which this country and the world will have to face in the 1980's, have by now been recognized—and what is the conclusion? The same arguments which have been exposed as faulty, not merely in theory but empirically, are now used with only slight modifications in favor of SALT II.

Thus without SALT II, says Senator Church, "we would lose the opportunity to influence the Soviet Union to choose courses that reflect our mutual interest in stability and the avoidance of conflict." With SALT II, says Brzezinski, there will be "more peaceful relations" and the treaty will lead to the "needed strategic stability for progress in political relations." But SALT I has produced no such result; why should SALT II do so when under it the military balance would tip still further in favor of the Soviet Union?

Brzezinski did not have this attitude at the beginning of the "SALT process," before he moved into the White House. As he said in 1971:

> My concern is that the Soviet leaders—and particularly the Soviet military—may be deliberately exploiting SALT to attain military "superiority" over the United States. In that context, SALT serves as a useful tactic, inhibiting U.S. efforts to improve, in more complex configurations, the U.S. defense potential.

Later, in 1974, he commented that

> the actual 1972 Moscow agreement was rammed through by the President and his immediate associates in order to get agreement at that moment. . . . Having once conceded numerical superiority to the Russians on the spurious argument of U.S. technological superiority, it would be difficult to undo this asymmetry. . . .

Having abandoned his original March 1977 arms-reduction proposal, President Carter is now saying that the stage is set for actual arms reductions in SALT III. But why should the Soviet leaders agree to "deep cuts" in SALT III? More likely they would demand formal superiority with the now familiar argument (which their expert on the United States, Mr. Arbatov, repeated on American TV) that the Soviet Union has more enemies than the United States and fewer friends and allies. It stands to reason that, having made all these enemies, Soviet leaders should be able to handle them. They too want nothing but the best.

SALT II and Western Europe

EUROPEAN support for SALT II has been paraded as a clinching point in its favor. But what is the political significance of this support? Is it formal or is it real?

There is something strange in the spectacle of the European leaders endorsing, without any pub-

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lic debate, a treaty whose implications for European security are momentous—if only because the Soviet Backfire bomber and SS-20 missile, both strategic weapons against Europe, are excluded from its provisions. So here is a situation in which NATO allies support American "decoupling" not only of strategy and politics, and of strategic nuclear and theater weapons, but of American and European security interests as well.

Why should this be so? Are the European leaders unconcerned with this aspect of SALT II or even happy with it? Hardly. In fact, there is a deep anxiety in Europe about the weakening commitment to Europe, and of the credibility of the American protective umbrella. The Europeans realize that the purpose of Soviet military policy is the promotion of Soviet foreign policy, but they are afraid that opposing SALT II may leave them in the lurch, that the failure to ratify it may lead not to a recovery of the American defense posture but to a deepening American isolationism. Paralyzed with the fear of finding themselves alone facing Soviet might, they prefer the devil they know to the devil they do not know. American weakness thus compounds European weakness, American appeasement reinforces European appeasement, American isolationist impulses heighten European neutralist tendencies. The Bahr-Wehner tendency in Germany—"self-Finlandization" through *Ostpolitik*—is just an early warning.

The NATO powers recognize, of course, that SALT II increases the Soviet political-military threat to Europe. But as they see little chance of influencing the outcome, they (with some reservations by France) have decided to go along, hoping to make the best of the promised American support for NATO.

From the European point of view, even strategic-nuclear parity between the U.S. and the USSR, which leaves Europe exposed to Soviet conventional military superiority (with no realistic chance of matching it), is bad enough. In other words, the "SALT process" in itself undermines European theater stability. But this is water under the bridge: nuclear parity was consecrated by SALT I and obviously is no longer at issue. Now Europeans face a situation in which, as the Norwegian General Zeiner Gundersen has said to the NATO defense ministers, the Russians are gaining ascendancy "in every category of capability, be it nuclear, chemical, land, sea, air, or space." The ratification of a treaty which politically legitimizes such ascendancy is not likely to suggest that it is going to be resisted and reversed.

Some Europeans are already describing the present state of Atlantic relations as a "crisis of confidence." They can see as well as anyone the decline of American power. As the liberal German journal, *Die Zeit*, put it not long ago:

> The President had to take shameful chiding in Mexico. The U.S. marines were disgracefully defeated in Teheran. The U.S. ambassador to Kabul died ignominiously in the exchange of fire between Islamic terrorists and Marxist "liberators." To Crown Prince Fahd of Saudi Arabia the U.S. protective power was no longer worth being visited.

Europeans can see Soviet soldiers conducting operations in Eritrea; the Soviet navy moving to Aden and Cam Ranh Bay (while the American navy lacks the strength to establish a permanent presence in the Indian Ocean to protect the vital oil area); Soviet MIG's and submarines in Cuba violating the 1962 agreement without American protest; Turkey refusing to grant its "ally" the United States facilities for verifying SALT to substitute for the stations lost in the Iranian debacle.

Europeans could also see what was happening in the course of the SALT II negotiations. The cancellation of the B-1, the "postponement" of neutron-bomb production, the unilateral abandonment of weapon projects which could have at least served as bargaining counters, the naive expectation of reciprocal "good-will gestures" from the Russians, "deadline diplomacy"—all this seemed to many Europeans, as it did to an equally skeptical American, Paul Nitze, "an Alice in Wonderland approach in meeting the Soviet threat." Indeed, to many Europeans it looked like an effort to teach vegetarianism to tigers by correspondence course.

European skepticism over SALT II was bluntly put in the French *Figaro*:

> The thesis that refusal by the American Senate to ratify the agreement would play into the hands of the Moscow "hardliners" is extremely weak, if only because, whether "hard" or "soft," all Soviet leaders share a similar concept of history. You cannot, without risk, reduce the Kremlin to a kind of aviary in which "hawks" and "doves" contest for power. . . . It is time that President Carter realized this and stopped confusing foreign policy with ornithology.

The argument is indeed boringly familiar. Already during the last war Stalin obtained concessions from Roosevelt and Churchill by "warning" them that otherwise he might be "overruled" by the hardliners in the Politburo.

The most prominent European commentator on international affairs, Raymond Aron, says that a decade of SALT negotiations "accompanied and masked" Soviet ascendancy and he asks whether SALT does not in itself mark the replacement of American by Soviet hegemony. The implications of this for Europe, America, and the world should be soberly assessed before the ratification of SALT II significantly adds to the political momentum of the process.

SALT II and Versailles

IT IS often said that the rejection of SALT II would be as important an event as the rejection of

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the Versailles Treaty. Advocating ratification of SALT II, Senator Church has asserted that the 1920 Senate vote was an "important factor" in causing World War II.

This is, I am afraid, a myth. It is true that Senator Church's predecessor as the chairman of the Foreign Relations Committee, Senator Henry Cabot Lodge, who defeated President Wilson in that vote, was an isolationist, but as a matter of fact, Lodge supported Clemenceau's conditions for the peace treaty, conditions which would have better preserved the balance of power in Europe than did the Wilsonian League of Nations with its "Covenant." Surely American participation in an arrangement based on what Leopold Schwarzschild called "an orgy of abstract pacifism" would not significantly have affected the course of events. Only a renunciation of both Wilsonian "moralism" and the subsequent, even more extreme, isolationism represented by Senator Borah (also from Idaho) could have made a difference in preventing the drift from "the war to end all wars" to what Churchill called "an unnecessary war."

That this did not happen was due precisely to the attitude of mind which is now prominently displayed by the supporters of SALT II, and which assumes that an abstract quest for peace and the Wilsonian "definite guarantee by word against aggression" are more important than security through the balance of power.

In 1928, 62 nations pledged themselves to "outlaw" war as an instrument of policy in the Paris or Kellogg-Briand Pact, which was ratified by the Senate fifty years ago, in July 1929. President Coolidge praised it as assuring "preparation, [arms] limitation, and renunciation." Like Henry Kissinger after the Paris "agreement" on Vietnam, Frank Billings Kellogg received the Nobel Peace Prize in 1929 (which shows that there is something new under the sun: in 1929 the Paris agreement was not violated immediately).

A decade earlier, with Versailles, the choice was between false alternatives: abstract moralism and the old isolationist impulse. Today, sixty years later, it is between a bad business and a worse business. In its present form, SALT II is, I think, the worse business. The argument often invoked —that it took six years and three Presidents to negotiate it—can only provide future historians material for reflection on the time we live in, as they now reflect on the Baldwin-Chamberlain era.

Even such supporters of SALT II as James Reston refer to the need to "reverse the currently unfavorable trends," but they do not indicate how such a reversal is supposed to occur if the policies which made it necessary remain what they are.

Fallacies and Asymmetries

THE debate over SALT II has naturally spawned a number of exaggerations on both sides (such as the denial of Soviet expansionism by some SALT II partisans, or the vision of the Russians about to launch a direct missile assault on the U.S. by some opponents). But on the whole I find that if a good case could be made for ratifying SALT II, there would not be so many bad arguments used to support it. And they are used not just by marginal figures, but by the "stars" of the debate, including the President, the Vice President, and the Secretaries of State and Defense. I have already mentioned several of them, such as, for instance, the idea that the Soviet arms drive is a result of "bureaucratic inertia." Or the alleged need to ratify SALT II now in order to make it binding on Brezhnev's successors. Yet even if it were binding, what reason is there to suppose that Brezhnev's successors would be any more benign toward the West than either he himself or his predecessors have been?

For as Professor Hugh Seton-Watson has pointed out:

> The present mood of the Soviet political class alarmingly recalls that of William II's Germany. There is the same fist-thumping, bullying, boastfulness: "We will be a *Weltmacht*, we will be present in every ocean." . . . This arrogant rise of a parvenu power, with tremendous forces at its disposal, is exactly what we are seeing today in the shape of Soviet hegemony spreading to the South Atlantic and the Indian Ocean.

These observations are amply confirmed by an anonymous Moscow correspondent writing in the liberal, pro-SALT *New Republic*:

> It is frightening to be an American in Moscow these days. When I departed for the Soviet Union it was fashionable in America to think that the domino theory was dead. It was common to think that the Soviet Union was ruled by responsible, conservative office-holders who would not risk their privileges with an expansionist foreign policy. It seemed at that time absurd to think in terms of the old bipolar world. It seemed that more complex world divisions of North versus South and industrial versus developing regions had rendered the old concepts of the cold war obsolete. But Russians have taught me that such notions as East versus West, however much the West may wish them to disappear, are still thriving in the East. . . . Many Americans were surprised by Alexandr Solzhenitsyn's pronouncements on Western decline at Harvard last June. But Americans living in Moscow have been hearing the same message from Russians for the last year: the West is enjoying its last moments of decadence before its collapse, the American empire is receding, and the Soviet empire will soon spread to all corners of the globe. . . . When ordinary Russians today warn that the Politburo will bury the U.S., what they mean is that the Soviet military power will crush the now flabby American military. America's defeat in Vietnam shocked the Russian public, and the subsequent victories for the Kremlin in Africa and Asia have reinforced the

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Russian's image of the impending destruction of the West.

To believe that ratifying SALT II would somehow alter or cancel this process is to engage in magical thinking.

Yet such magical thinking is clearly present among SALT II supporters. It is strikingly manifested by the same *New Republic*, which describes the Soviet Union thus:

> An imperialist totalitarian state, a scourge of liberty and human values everywhere, a menace to the West both militarily and politically. We judge that Soviet leaders, having advanced to their posts by stealth, guile, and ruthlessness, are not to be trusted by people and nations who revere law and common decency. We look at Soviet gulags, death camps, and psychiatric torture centers, and at Soviet barbarism in Czechoslovakia and Hungary and we have a picture of what the world would be like if the Soviet system prevailed. We do not doubt that if the Soviet Union could attain military superiority over the United States, it would try to exploit it, as it has exploited our post-Vietnam political vulnerabilities in Africa and the Middle East.

And what is the conclusion of the *New Republic*? That one has to be careful not to repeat the mistakes of the past? Or that a treaty must not be allowed to impair the American strategic position? No, it is the standard plea for ratification of SALT II in its present form.

Another example of the way SALT II supporters think is seen in discussions of trust and cheating. Thus *Newsday* "wisely" asserts:

> The Russians don't trust us any more than we trust them. Each side assumes that the other will cheat on SALT.

This is, of course, exactly what the Russians do not assume; they know quite well that there will be no American cheating. On the other hand, an elementary knowledge of history indicates that the *modus operandi* of the Soviet system is deception. For those who know how the Russians rewrite their history, how they constantly remake reality for the benefit of propaganda, the whole discussion of verification smacks of bottomless naiveté.

Such naiveté is the more deplorable among the "sophisticates" who have embraced the rationalization that the U.S. "has ample means to detect any *major* Russian cheating." Practicing one-upmanship, Congressman Les Aspin has said that the U.S. would be much better off with a SALT agreement even with some Russian cheating.

But how can it be confidently asserted that one can distinguish between major and minor cheating if one does not know in the first place what and how minor those transgressions are? There is a logical contradiction here, not to mention the empirical evidence concerning the Soviets' attitude to truth, their historical record in violating agreements, and the poor American experience in the past with quantitative and qualitative assessments of Soviet performance (the CIA, as we know now, underestimated Soviet military spending fourteen years in a row!). It is indeed a "bizarre fantasy," as Professor Rostow describes it, to believe that sufficiently reliable verification can be achieved in SALT II. When one has to depend for verification on space photographs and sensors, while the negotiations are based on figures provided by the Soviets themselves, one cannot achieve the degree of certitude which would match Russian knowledge of American behavior in an open society.

There is a basic asymmetry here which cannot be bridged by "national means of verification" and those who think it can are only deceiving themselves. There are dozens of ways for the Russians to avoid detection, whether by Big Birds or by the monitoring of Soviet telemetry selectively encrypted, as permitted in SALT. In any case, the American negotiators should have insisted from the beginning on the possibility of compensating for the asymmetry by emphasizing the necessity of "on-site" arrangements rather than by being meekly "realistic" and accepting the Soviet refusal of such arrangements as a "non-negotiable" starting point. This just assures a security advantage in an era when the technical detection of such things as the number of MIRV's or the range of cruise missiles is well-nigh impossible. (To be sure, as Paul Nitze has remarked, "There is little incentive for the Soviets to cheat because the agreements let them do pretty much what they would want to do anyway.")

But the fundamental asymmetry of the "SALT process" is that it tends to inhibit American military potential without correspondingly limiting Soviet military potential. The results so far are an indication of what the future may hold. SALT I assured Soviet quantitative supremacy in missiles, and now SALT II would put limits on qualitative improvements in a way which is distinctly to the Soviets' advantage. And the abandonment of various American technological advantages would surely have both budgetary and strategic consequences of a negative character. Because of this, as Albert Wohlstetter has observed, the U.S. would be "spending more and getting less."

Secretary Brown assures the public that without SALT II the United States would have to spend an additional $30 billion during the next ten years. This is less than a 3 per-cent increase over the projected U.S. military expenditure for that period, not a high price if it were indeed conducive to security. But American taxpayers may perhaps reflect that without the "SALT process" the security of the United States would have been both better and cheaper—if, for instance, that security had been partly based on the ABM, the MX, and the unemasculated cruise missile. On the other hand, the Soviet Union could hardly have

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accomplished more in its military build-up without the "SALT process" than it actually has under SALT, considering that its GNP is only slightly over half that of the United States.

If the political and diplomatic achievements of the United States in the last decade leave something to be desired, in spite of all claims to the contrary, it is no less true that the intellectual confusions in the SALT II debate are considerable. For instance, I am struck by how often supporters of SALT II, including Senators and high administration figures, claim that it compels the Soviet Union to "destroy 250 of its missiles," although the treaty, of course, covers only launchers, quite a different assertion, since the missiles themselves can still be stored and used.

This is not the only confusion. It appears that the United States, in a noble attempt to offer the Soviet Union adequate verification facilities, is ready both to incur additional expenditure and to sacrifice the effectiveness of the MX system. The means are becoming the ends. American security is getting lower priority than Soviet verification claims. Moreover, ironically enough, the "SALT process" seems now to have come full circle: when it began there was a disposition to sacrifice security for mythical "cost-effectiveness," whereas at present there is a willingness to accept higher costs in the name of SALT.

The pseudo-sophistication of the purely technological approach to the question of verification has been matched in the debate by political pseudo-sophistication. The favorite ploy has been to imagine Soviet "hawks" objecting (in private, of course) to the allegedly unfavorable conditions of the treaty for the Soviet Union—and never mind the enthusiasm Soviet propaganda has displayed for SALT II.

The Los Angeles *Times* declares that "Russian hawks . . . may have a powerful case against SALT II" and ex-Congressman Donald Fraser has written a "satirical" letter from a Soviet "hawk" whom he has complaining about Americans concealing their missiles under the oceans: "Such a lack of even-mindedness will be difficult to explain to the Supreme Soviet."

Ex-Congressman Fraser must be waiting with bated breath to find out whether the Supreme Soviet will ratify the treaty submitted to it by Brezhnev.

SALT II: Perceptions and Prospects

To AN innocent eye President Carter's speech to Congress after the Vienna meeting with Brezhnev implies that the international situation is well under control. Yet to an outside observer the present situation looks like the worst disarray in American foreign policy since World War II. After years of military neglect and of wrong political expectations, there seems to be indecision, confusion, and shilly-shallying, a sort of jerky Hamletism. A dismissal of the formerly "inordinate fear of Communism" is followed by verbal warnings to the Soviet Union. The aircraft carrier *Constellation* is turned around midway in its mission to the Indian Ocean. Modern technology is first denied and then allowed to be exported to the Soviet Union. Diplomatic ambiguity is raised to the status of policy. The public is increasingly confused, while policy-makers seem to be losing touch with reality.

President Carter said in his speech: "The strength of our country is not diminishing: the strength of our country is growing."

Yet no serious observer would accept this astonishing diagnosis or would deny the actual and relative decline of American power during the last decade. And if President Carter's diagnosis is wrong, the consequences of SALT II are going to be different from those he expects. Thus, contrary to his assertions, SALT II does not offer any chance for "more significant cuts in strategic armaments in SALT III," it does not make arms competition "safer and more predictable." In short, it is not a step toward arms control. It only provides the Soviet Union with an opportunity for gaining a strategic edge over the United States.

SALT II would make necessary further fatal rationalizations. To preserve the illusions of its success, it will become imperative to explain away any new Soviet foreign adventures and to discover the best possible motives in Soviet actions—not exactly a new pattern, but one which will be even more harmful when the safety margin has just about disappeared. The administration, instead of relying on sober realism in facing the fact of Soviet expansionism, will resort to a combination of official tranquilizers and Soviet apologetics. Senator Nunn's acerbic remark about the President's reference to America losing its image as a "peace-loving nation"—"Let the Russians invent their own propaganda"—is a pertinent indication of future possibilities.

True Dangers in the Real Situation

As LENINISTS, the Soviet leaders have always been ready to give history a "shove," but they are also prudent enough to do it in some proportion to their strength. If, then, they were ready in the past to take initiatives and risks in Cuba, Africa, and Asia at a time when they faced American nuclear superiority, ratification of SALT II, with its official dismissal of "linkages" and its tacit acceptance of Soviet nuclear and strategic ascendancy, can only give the Soviets additional confidence in taking risks in the future, when the military equation and the political balance will be more favorable to them.

Unlike so many Americans, the Soviet leaders are not obsessed with the prospect of direct nu-

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clear exchanges between the two countries. They know only too well that an American "first-strike" is unthinkable, and since they do not intend to launch one themselves, they are not hysterical about it. But they realize the importance of a central nuclear balance in regional confrontations and that is why they have been trying so hard to overtake the U.S. in nuclear missiles. To disregard the political and strategic relevance of the Soviet drive for the consolidation of both nuclear and conventional preponderance is to display, in Raymond Aron's expression, "the serenity of ostriches."

The ratification of SALT II would only increase the probability of regional crises occurring. It does not take much imagination to visualize such possibilities, for example in the Middle East.

Before World War I, the Russian drive to the south met with resistance from the British empire. During World War II, Stalin proposed to Hitler a "delineation of the spheres of influence"* with the Axis powers, and declared in a secret memorandum that Soviet "territorial aspirations center south of the national territory of the Soviet Union in the direction of the Indian Ocean." Of course, nothing came of it then, but this imperial dream may now be close to fruition. It only requires the completion of the recent, and so far successful, Soviet pincer movement against the most important oil territories in the world around the Persian Gulf. Yugoslavia after Tito may also become a dangerous flashpoint. Europe remains the prize—and the strategy is that of the indirect approach.

But in the SALT II debate such real dangers to America and the West are scarcely mentioned; the debate is focused instead on imaginary dangers. Political understanding of the relation between the true dangers on the agenda and the ratification of SALT II is obfuscated by the exclusion of "linkages" and the disregard of history. "Mutual understanding" with the Soviet Union remains a chimera. It can be pursued only by those who ignore the past and do not want to recognize its relevance to the present. As Raymond Aron put it:

> If the leaders of the American republic must once again learn the nature and the aspirations of the Soviet Union, then I fear that by the time the Secretary of State will have mastered the lesson, there will be nothing left to defend.

SALT II: Fears and Alternatives

UNDERLYING American hopes in the "SALT process" is, of course, the natural fear of nuclear conflagration. In his post-Vienna speech, the President claimed that SALT II "reduces the danger of nuclear war" and would "make the world a safer place for both sides."

This too is a tragic illusion. SALT II may even make the danger of war greater by increasing the uncertainties of the American position in the balance of power. It will certainly not make the world a safer place for the United States.

Fear as an instinctive reaction can play a positive or a negative role in politics. It may be invaluable in signaling real danger and leading to timely measures for averting the threat. It may also be catastrophic in helping to misinterpret the danger and/or exaggerating it, thereby leading to the paralysis of political will.

Between the two world wars, Prime Minister Baldwin was in effect more afraid that the Tory party would lose the next election than that Britain would lose the next war. President Roosevelt proclaimed that "there is nothing to fear but fear itself," but he did not apply this maxim at Yalta.

After the war, Western political leaders accepted the need for a nuclear deterrent. In Britain it was the Labor Prime Minister, Clement Attlee, who had opposed rearmament before the war and whose defense minister had earlier been a straightforward pacifist, who now led Britain to acquire its nuclear arsenal. In the United States there was not much opposition to the idea of nuclear deterrence, particularly since the Soviet Union rejected the Baruch Plan and chose the path of arms competition and ideological warfare rather than of cooperation in arms control. Yet the pacifist tradition enjoyed a revival in both countries: in Britain in the 1950's with the Campaign for Nuclear Disarmament; in the United States in the 1960's with the opposition to the Vietnam war. The increased destructiveness of nuclear arms strengthened the pacifist impulse, but from the beginning this impulse was politically operative only in the West. The Soviets could exploit it through the Stockholm Peace Appeal and similar campaigns, while being unencumbered by domestic political opposition to their own nuclear build-up.

Eventually, pacifist elements began to creep into the premises even of the official American strategic posture, and even though incompatible with the idea of nuclear deterrence, they were rationalized in various ways. Thus the political one-sidedness of the pacifist advocates of nuclear disarmament was later echoed by a self-denying American ordinance in which a nation possessing decisive nuclear superiority voluntarily abandoned it and gradually began to negotiate itself into a position of strategic inferiority vis-à-vis its declared enemy who for many decades had steadily manifested hostility in words and actions.

A consistent pacifist can be respected, but combining the presuppositions of Gandhian nonviolence with nuclear deterrence seems a somewhat futile exercise. Yet it is no exaggeration to say that this is exactly what has been happening. While the Soviet Union has been arming and expanding, American foreign policy has been trying to mix

* *Nazi-Soviet Relations, 1939-1941, Documents from the Archives of the German Foreign Office*, edited by Raymond James Sontag and Stuart Beddie, Department of State, 1948, p. 257.

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incompatible elements (going to the end of the road, George Kennan proposed combining "containment" with the "better-red-than-dead" attitude). This has not, of course, been the official platform, even though many members of the establishment sympathize with Kennan's position, but there is little doubt that they have been reflecting pacifist emotions to a point at which their political and strategic perceptions become confused and contradictory.

President Carter seems to imagine that he is judiciously balancing noble human and religious sentiments with concern for U.S. security, but his unilateral gestures do not make his policies more moral, only less effective. The B-52 does not represent a higher ethical plane than the B-1, it is just less up-to-date. The neutron bomb is no less moral than a "dirty" bomb, it is just more relevant for the purpose (and, ironically, happens to be less noxious). In nuclear weaponry "being a little bit pregnant" makes no moral difference, it only affects delivery systems.

Senator Biden has accused certain critics of SALT of dwelling on "doomsday scenarios" and "trying to scare the pants off of us." Yet it is the supporters of SALT who tend to dwell on "doomsday" scenarios. Just as earlier they were parroting the Soviet argument that nuclear war is the only alternative to détente, now, when the détente euphoria has largely evaporated, they are employing scare tactics in selling SALT II. President Carter says that its non-ratification would be a "devastating blow to world peace," Senator Kennedy declares that it would be a "prescription for a nuclear disaster," and Senator Church asserts that if the treaty is amended in any but a minor respect, "the entire SALT process would be ruptured beyond redemption."

If rupturing the "SALT process" involves stopping America from sliding downhill while the Soviet Union is gaining ground, it is a positive and a most desirable aim, without which America can hardly hope—in Senator Biden's own words—"to defend its people, its interests, and its influence."

If, however, what is meant is that the Soviet Union would in this case refuse to negotiate altogether in the future and would immediately proceed to a series of military aggressions which it would not otherwise contemplate, then we have here a misleading forecast. In such a case, the Soviet Union would do nothing it would not have done anyway, if permitted, with or without SALT II. If anything, the Soviets would be somewhat more reluctant to take risks, fearing a full backlash of American rearmament. But in any event, the Soviet Union would, or would not, take such risks on the basis of an overall evalution of the "correlation of forces." It would see ratification of SALT II as a strengthening of its hand, but only the general balance of power and the local strategic situation, not the pieces of paper, would matter.

As to the question of negotiations or re-negotiations in the future, there is little doubt that the Soviet Union would make some hullabaloo about amendments, displaying bad humor and trying to exploit the situation politically by using President Carter's own statements. But few would swallow the image of the United States, with its declining power, as a "warmonger," while many would be relieved by an American refusal to consecrate this decline. Contrary to President Carter's dire warning that non-ratification of SALT II in its present form "would be a damaging blow" to American alliances, it would only strengthen the general faith in the will of the United States to defend itself and its allies. And in the longer run, when the immediate Soviet outcry had run its course, the Soviet leaders would be realistic enough to go on negotiating, using the same old diplomatic techniques which they find so effective: "What is ours is ours, what is yours is negotiable."

Finally, as to the charges of "irresponsibility" so generously lavished on the SALT II critics from on high, nothing can illustrate more vividly the perverse irony of the situation than the fact that it is the more dovish supporters of SALT II who have advocated the launch-on-warning (LOW) of the Minutemen, making the fate of the United States potentially dependent on geese interfering with the radar during the fifteen minutes when the President would have to make the decision.

Munich, Yalta, Vienna

"WHEN all is said and done," declared President Carter in his post-Vienna speech to Congress, "SALT II is a matter of common sense."

This is quite true; the only difficulty is to agree on what common sense is. On previous occasions when the West stood on the crossroads in Munich and Yalta, the policies adopted were also presented as a "matter of common sense." The warning voices were dismissed as contrary to it. They could always be sure of getting the label they deserved: "warmonger" and then "cold warrior."

Yet whatever the difference in the historical situations, the flavor of such summit occasions can be discerned in the mood surrounding them, the style of the arguments used, the imponderables of the chief actors' behavior.

Like the hero of *Appointment in Samara*, President Carter was conscious of fate, and tried to avoid it. According to James Reston:

> When he arrived in Vienna in Air Force One, it looked like rain. And remembering Neville Chamberlain and Chamberlain's symbol of the umbrella as a mark of appeasement, he ordered "no umbrellas" even if he had to be drenched in rain.

But Nemesis is not easily cheated. The "*Si vis pacem—para umbrellum*" attitude manifested itself through other symbols and parallels. Brezhnev did not see Carter with an umbrella, he just re-

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ceived from him a pair of porcelain "Doves of Peace," and was kissed by him on both cheeks.

When the Labor men, Lansbury and Lord Allen, were making their visits to Hitler to "save peace," they assured the public that the only way to safeguard it was through concessions, swallowing at the same time the Nazis assurances about their attachment to peace. When the Conservative Sir John Simon and the Liberal Lloyd-George presented similar arguments to the British politicians there was also an implied threat of "or else," in spite of all the pacific sentiments expressed by the Nazi leaders. But above all there was an unwillingness to face the fact of expansionism, however rationalized.

The same Gromyko and Dobrynin who brazenly lied to President Kennedy about Soviet missiles in Cuba in 1962 were now meeting another American President in Vienna. There Brezhnev warned against attempts to amend the agreement, and after the meeting, Gromyko reiterated this warning.

Like Stalin, who flattered Roosevelt by using democratic vocabulary in Yalta, Brezhnev tried to impress President Carter in Vienna with a religious exclamation: "God will not forgive us if we fail." It was too crude, indeed surrealistic, to be believed by anybody who knows anything about Soviet history, or for that matter about the religious piety of Soviet leaders. But, as the New York *Times* noted, the phrase "so caught President Carter's attention that he jotted it down on a piece of paper and incorporated it into his own opening remarks a few minutes later."

President Carter obviously believes that, although SALT II may not be the beginning of a beautiful friendship, it is a great diplomatic achievement, safeguarding the interests of the United States and of peace. His predecessors in Munich and Yalta had similar ideas about the future. Their opponents knew better. And so does Brezhnev.

The Future in Balance: Ratification or Modification

MILITARY technology matters, but it is not everything. Political perspective is even more important. The problem before the Senate is how the ratification of SALT II in its present form would affect the situation in which the decline of American power is acknowledged by everybody except the American President. Inevitably, its acceptance without amendments would be generally taken as an indication that Soviet expansionism and the drive for ascendance is going to meet with even less resistance in the future than in the recent past. Conversely, a modification of the treaty, with a view toward a better balance, would have the opposite political effect. As both supporters and opponents of SALT II realize, its symbolic significance is enormous. For the world as a spectator, its ratification may raise the specter of Soviet hegemony in Europe and adjoining states, if not yet of a more general Pax Sovietica.

Seen in this light, the attempts to present the opposition to ratification as somehow illegitimate or as the President put it, "the height of irresponsibility," turn against those who have become known as "SALT-sellers." Soviet pressures against any amendments give us an early taste of what Soviet intimidation might become if the United States were to continue down the slippery slope.

Nor is the early taste of the American response to Soviet intimidation reassuring. A day after he accepted Brezhnev's non-treaty assurances on the use of the Backfire, President Carter said that "SALT II is not based on trust" and added that the "U.S. means of verification would discover, in time for an effective response, any Soviet cheating on the treaty." Leaving aside the problems of verification, one wonders what this "effective response" might be. A comparison of the American starting position in March 1977 with the outcome of the Geneva negotiations throws some doubt on how resolute the United States would be, especially in the context of an even more adverse balance of power.

No, the time for an "effective response," which does not require any dramatics but only a reassertion of national will, is now. In part it requires refusing to accept SALT II as it stands, having emerged from ill-conducted negotiations which were based on false political and strategic perceptions.

In July 1949, thirty years ago, the veteran American Sovietologist, Geroid T. Robinson, wrote in *Foreign Affairs*: "The United States is facing the crisis with the military equipment of 1950 and the ideological equipment of 1775."

The situation of 1979 is much worse. The United States is facing today's crisis still with the ideological equipment of 1775, but with the military equipment of 1965.

In 1974, Zbigniew Brzezinski wrote that "Nobody knows what American foreign policy is," a statement which has acquired an additional pertinence with the passage of time. At present nobody knows what American foreign policy is either, but it has become clear that at least some of its premises are mutually incompatible. There is a growing tension between the need to preserve American alliances (NATO, in particular) and the strategic concepts elaborated in the 1960's particularly that of MAD. What happens to the operational relevance of the theories of "tripwire," of "limited response," or of "damage limitation" when the credibility of the American umbrella itself comes into question? And if, in order to strengthen European defense, a European nuclear deterrent is promoted in spite of Soviet objections, what will happen to the American concern with nuclear non-proliferation and indeed to the Non-

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Proliferation Treaty itself? If Europe should have to rely on its own deterrent, would Japan be far behind? What about other nations which are already on the brink of nuclear capability? And how can NATO, conceived as a regional alliance limited in its functions to a specific geographic area, be effective against the growing Soviet threat to the strategic points vital to its survival but lying outside its "jurisdiction"? Such questions are increasingly forcing themselves onto the agenda as a result of the American drift into impotence.

If, paradoxically, either the ratification or the rejection of SALT II would create considerable concern among West Europeans, it is as a result of this confusion. Edward Gibbon in his *Decline and Fall of the Roman Empire* asked a celebrated question:

> The savage nations of the globe are the common enemies of civilized society; and we may inquire with anxious curiosity, whether Europe is still threatened with a repetition of those calamities which formerly oppressed the arms and institutions of Rome.

Optimistically, Gibbon answered this question in the negative, but two hundred years later, looking at the totalitarian threat to Europe, one cannot but feel that the answer may after all turn out to be positive.

And if Europe is lost it would be a calamity not only for Europe. It would be a disaster for America too. Europe does not have to be lost in any dramatic way, it may simply drift into neutralism or self-Finlandization, just as America may drift into the isolationist impotence of a "fortress" mentality. The Orwellian nightmare of "Eurasia" and "Oceania" would then become real.

There is no earthly reason why such a development should occur. The potential strength of the antagonists of the Soviet Union is immensely greater than its own and it is the Soviet menace which brings them together. Besides, the potential weaknesses of the Soviet Union—in economics, technology, and national problems—could become very troublesome if they were not compensated for with successes in foreign policy. Even such successes create new difficulties for the Soviet Union. It cannot consolidate its imperial realm through the cultural superiority of its institutions. It has only brute force and totalitarian techniques, not Roman law or British constitutionalism. Its economic base is too weak by itself to sustain an imperial expansion, it can only count on the weakness of its opponents.

In short, Western strengths and Soviet weaknesses can be politically exploited, the American political will strengthened, the morale of its allies reinforced, and Soviet expansionism checked. Given a clear vision of the aim, America and the West can pull through the dangerous period of the 1980's. But this cannot be done through a Wilsonian "guarantee by word" of peace, and an unequal treaty signaling American decline and Soviet ascendancy.

WE ALL know that SALT I was supposed to be an "interim" agreement to be followed by a more permanent arrangement providing for increased arms limitations and real arms control. We also know that after six-and-a-half years of negotiations nothing came out of the process except another step toward the consolidation of Soviet strategic superiority and a similar promise of increased arms limitations and control in SALT III. We are therefore bound to ask ourselves the same question so many asked in the 1930's, where all the concessions to the dictators are leading—whether the optimistic anticipations are not equally illusory this time and whether the SALT II agreement will not prevent recognition of the dangers involved. If we do not all remember the still relevant distant past, we remember the recent past, and, as Henry Kissinger himself once put it: "To fully understand what has happened it is necessary to have an appreciation of all that went before."

When I testified six years ago on "détente" before a Senate committee I ended my statement with the words:

> The Western public is generally ignorant of the issues at stake, their historical importance, and of the implications of a further shift in the balance of power against the West. The United States, like Europe, could have either to find new reserves of political strength or accept a gradual decline.

"Détente" was a victory of false hopes over historical experience. SALT I was a victory of wrong concepts over strategic experience. SALT II is a potential victory of discredited illusions over both historical and strategic experience.

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Loneliness

A Story

Shulamith Hareven

MRS. Dolly Jacobus, who in recent years had arrived at a sure and sedate self-love, sat at her desk pondering how to finish a letter. It was a letter to her husband. All morning long she had basked in the fact that he was at an architects' conference in Malta, and that she could write him there, write the word Valletta, which had such a light and chivalrous sound that it made her think of a young, robed knight quickly dismounting and elegantly stripping off his riding gloves: Valletta. Not until she had sat down to write did the reality become too much for her: what really did she know about such places, or about the space, proper or outlandish, that Meir Jacobus occupied in them? She could never imagine her husband once she was no longer by his side. Perhaps he had a different existence then, a different face.

Mrs. Dolly Jacobus took her pen and continued to write:

> It is 10 A.M. now. Lots of light strikes the desk through the branches of the big olive tree. Do you remember how uncertain I was whether you had planned the window correctly? It seemed so high. But I'm glad of it now: there's just the right amount of light at just the right times. It's a lovely house, Meir. When I go to town and come back—and I don't go that often, because it's still been very rainy, and between one rain and the next the whole city is out in the streets trying to catch up on its affairs—it seems to me that someone has been in the house and has managed to slip away while I was still on the stairs. I look in the mirror and try to make out who it was. Perhaps it's a sign that you're thinking of me and the house. If you're planning to bring me a lace scarf from Malta, please bring a golden, white, or ivory one, and, in any event, not black. And since I have no idea how you're managing your time there, let me remind you of the advice that you once gave me: *surtout, pas trop de zèle. Adieu,* my dear friend.

She quickly reread the letter: yes, it would pass muster beneath her husband's finely critical eye. There were no annoying questions in it of the how-are-you? when-are-you-coming back? variety, no burdensome I-miss-you's or it's-so-difficult-without-you's. Meir Jacobus had taught her long ago that an undue concern for the practical arrangements of life was a distinctly plebeian trait. Within a year or two of their marriage she had learned not to ask what would be. What will be, will be, he would quietly answer her. Sometimes, taking pity on her anxiousness, he would add: "In the station that you've reached, Dolly, you can afford to be impractical."

Mrs. Dolly Jacobus took a long envelope, sealed the letter inside it, and addressed it to the hotel in Valletta in a slightly slanting hand. Her handwriting was unusual: the letters were long, tall, personal, somewhat squared at the edges, as though she had practiced developing a private calligraphy of her own. Only her signature was small and crumpled, a shelter within a shelter within a shelter. A graphologist had once frightened her with the opinion that it was a drawing of a fetus in the womb. Four consecutive miscarriages of indeterminable cause had left her without children and with the perpetual irritation of an impatient soul that strives for wholeness and cannot understand why it has not come, what can be taking it so long? Only in recent years had this irritation begun to wane. It was with a measure of optimism that she now looked after her home, her husband, and her many flower pots. She regarded herself in the mirror with a satisfied if slightly critical air. She went to lectures at the university, where she had her favorite professors whom she never missed, and her passing academic friendships with their head-nods across rows of chairs and their between-class banter.

Self-love had descended on her slowly, by degrees; it had grown securely out of that greater, more comprehensive love that she had felt for her beautiful home, her books, her paintings, her expensive shoes that were too elegant to be Israeli, her restaurants, her credit cards (yes, Mrs. Jacobus, of course, Mrs. Jacobus), her view of the walled Old City of Jerusalem on which the windows of her house looked down. Dolly Jacobus considered this view to be a private performance

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put on in her behalf, which she would watch from her gallery in all its many aspects of time and light. Once a visiting friend from the university had sat at the wide window bathed in Herodean light and asked after a long silence:

"Do you mean to tell me that you can go on looking out on all this every hour of the day without feeling anxious?

Dolly Jacobus lifted and dropped one shoulder.

"And you can just go on looking down on all this?" the visitor asked again wonderingly. "Just looking down?"

"I must be a butterfly," said Dolly Jacobus. Her face broke into the lopsided grin that helped make her so likable. "But I want you to know," she added, "that being a butterfly is something that I have to work at very hard."

SHE was too rich for anyone to feel really sorry for her, yet people still said "poor Dolly" when they mentioned her. Nobody knew why. A year before, she had taken up batik and made gifts of her many creations, but the dyeing proved too messy for her and she gave it up in the end. Instead she tried writing haikus. She would in fact have sent her husband a few pithy haikus right now in lieu of a letter, but for her fear that the poems might travel poorly and spoil in the course of their flight over the unnecessarily large ocean that separated her from Meir. All a person really needed in the way of room, she had once thought to herself, was three or four streets around him. Only someone who had never been a refugee could dare dream of oceans and great expanses of space. And twenty-five years ago Dolly Jacobus had been a refugee. To this day she was astonished by such things as central heating which kept on burning warmly, really burning, in a house while the rain remained outside. Truly outside, it wasn't just an optical illusion.

It turned out that she was out of postage stamps, and since she had planned a trip to a delicatessen downtown anyway, she decided to go buy some. Settling into her small car, she reached into the glove compartment and took out a pair of embroidered house shoes in which she preferred to drive. With her feet in the soft slippers, the car itself became a kind of private room. The rear-view mirror showed her a pointed, attractive face with the barest hint of—not that she actually had the beginnings of one, but the skin above her lip was a trifle darker than elsewhere, so that in all her photographs she was obliged to have it lightened—a mustache over her upper lip. Dolly adjusted the mirror and turned the key in the ignition. To her satisfaction, the motor started at once despite the cold weather.

The city sped toward her in a rush of confusion. People had trouble deciding whether to open their umbrellas or close them: those who opened them had them blown inside-out like a funnel by the wind, while those who closed them were liable to be drenched by a sudden gust of rain. Both parties hurried impatiently, lengthening a stride to avoid a puddle or shortening one against a blast of wind. The hair of the women blew wildly; here and there a young girl ran giggling to catch her kerchief that had flown away. Dark patches of rain stained the walls of the houses. Blotchy clouds sped through the sky between the roofs, through which at irregular intervals the sun struggled to appear. Some children were sailing a paper boat in a dirty puddle. A gray truck whose driver seemed lost in thought drove right through it, spraying grimy water mixed with bits of paper in every direction. The city stone seemed dim and weary. The whole street smelled disagreeably of wet dog fur. For a minute Dolly contemplated turning back to shelter within the clean, warm comfort of her house with its central heating that burned, really burned, cheerily all the time. But she had already come too far.

She parked in a lot downtown. Meir Jacobus's office was nearby, on the top floor of one of the new sharp skyscrapers that seemed determined in their hatred of the city to get as high above it as they could. No private individual would ever build such a thing for himself; people did such things in groups to get rich quickly from the city. The contracting firm that built this particular building also employed its guards and maintenance staff, as well as the attendants in the nearby parking lot. Once, while having her car washed, it was whispered by one of them in Mrs. Jacobus's ear that the firm was not on the up-and-up, and even short-changed its employees in their paychecks. For a while she thought of doing something about it; after all, people should have a union that will press their demands. Not that she knew the first thing about it, far from it, but these were matters that everyone read about in the newspaper: workers had unions and even went out on strike. It upset her to see people ill-treated, and she raised the subject one day in Meir's office. It was afternoon and she had come to drive him home. His sister and partner, Bilhah, an architect herself and a triple divorcee with an exaggeratedly svelte body and a passion for jewelry, was there too. Almost apologetically, Dolly Jacobus murmured something about exploitation, about overtime, something about unions. Bilhah glanced up from her drafting paper, her bracelets and bangles coolly silent, and said:

"Really, Dolly, I don't know why on earth you should want to be such a do-gooder."

Dolly didn't want to be a do-gooder. She dropped the subject. Still, something of the good will she felt remained with her, something of that indefinable sympathy that everyone can sense even if no one can put a finger on it, so that the men would smile at her especially and inquire how she was. Sometimes she would put a question to them herself and get an answer. She knew, for instance, that the parking-lot attendant on duty today had recently divorced his wife after no end of tribulations and appearances in court. Now, having

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parked according to his directions that bore more resemblance to a personal plea, she observed him carefully through the window, then took a little notebook from her bag and wrote down:

"The divorced man: his shirt more pressed than usual (laundries), his shoulders more hunched than usual (restaurants)."

Her notebook and the insight that went into it improved her mood. She considered herself an astute observer. Dolly has a keen eye, she often remarked to herself. She snapped her bag shut as the attendant approached the car window, "Good morning, madame, how are you today, maybe you'd like the car washed?" She flashed the broad smile that she reserved for her faithful followers, "No thank you, the car won't be here long enough, but please don't forget to remind me next time, you know how forgetful I am, really, I don't know what I'd do without you." As she talked, she felt that she was overdoing it, saying and smiling too much. Meir would have gotten the same message across with two words and a short wave of his hand. The attendant too was confused and didn't know whether to stay or leave. Was there something else the lady wished to say to him? Luckily, another car entered the lot at that moment and saved him from his predicament.

Dolly locked the car door and made a mental note to give the man a gift for his politeness on the first available holiday. Indeed, Purim was next week: perhaps some imported deodorant would do. It was a pity how few people in this perspiring land understood the importance of deodorant. Such a gift would be both practical and pleasurable. Yet Dolly Jacobus was far from a brainless woman: what would happen, she asked herself, when the supply of expensive deodorant was used up? The parking-lot attendant had alimony to pay and certainly could not afford such luxuries, while she and Meir could hardly supply him with deodorant forever; a can every holiday, or perhaps even every week, how absurd. In the meantime the sun reappeared and the clouds in Dolly's mind dispersed too. She would give it to him this once and take her chances. What was so wrong with making a man happy just once? Life was all ups and downs anyway.

Having withstood the temptation to succumb this time too to an undue concern for practical arrangements, which was always a source of anxiety; her mood improved even more. Dolly Jacobus was an orderly woman who didn't like to leave problems unsolved, not even the bare thought of one. She smoothed out her dress and walked to the building. A silent elevator took her quickly to the top floor, where her husband's office was.

The door was open. Bilhah was inside by herself, bent over some tracing paper with a compass. She was always bent over something. A low desk lamp cast an intense pool of light on the table, in which Bilhah's rings bubbled as though being brought to a boil.

"Oh, it's you," said Bilhah Jacobus unenthusiastically. Her rings fell silent for a moment, then started to bubble again.

"Are you alone? Where's Esther?"

Esther was the secretary, a tall, ugly, unpleasant, gum-chewing girl who wore a wig made of someone else's hair and had never learned to answer the telephone properly. Moreover, she didn't even need the job, nor did Meir and Bilhah really need a secretary; but her parents, of a prominent Jerusalem family that had two or three different marriage ties with the Jacobuses, had pleaded for her.

"Esther has been working so hard all year long," said Bilhah sarcastically, "that she decided to take a vacation. Now that Meir is away, she thought she had one coming to her."

"Maybe she did."

Bilhah threw her a mocking look that left nothing out or unalluded to, from Esther's glum, gum-chewing slow-wittedness, to the niggardly, have-pity-on-me vibrations that she gave off. Before such realities Dolly Jacobus could not but bow down. In Meir's and Bilhah's tolerance of Esther, it seemed to her, was a certain hypocrisy, a kind of mock stoicism that was too much for her to understand.

"What are you doing now, Bilhah?"

"The same as before Meir took off."

"What's that?"

"Entrances for Zone Three of the Jewish Quarter. Didn't Meir tell you?"

Bilhah knew perfectly well that Meir never told her anything.

"Show me."

But Bilhah placed her hand over the paper.

"There's nothing to see yet. You wouldn't understand it anyway."

Each time Dolly felt all over again how out of place she was in this office, which was Meir's workaday world. Whenever she telephoned and was answered by Esther's wooden voice, her depression was so great that she couldn't remember what she had called to say. More than once she had actually forgotten some urgent matter and hadn't dared call back again. It was like standing by a sea rail and watching things fall from one's hands into the water, irretrievable.

"I'm going to the post office now, Bilhah. Is there anything urgent for Meir?"

"Look on his desk," came the indifferent reply. Bilhah returned to her measurements. Two heavy bracelets jangled on her wrist.

Dolly Jacobus went over to the window, which wasn't a real window but an immovable panel of glass. The sight of the bare, unshaded light bulb burning in the broad daylight of the room made her uneasy. There was something abnormal, something hybrid and unlifelike about it, almost a sin against those natural processes that have their own relaxed flow. This dizzying, too high, too enclosed, eternally air-conditioned room with its hermetically sealed windows and its strong lamplight at

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eleven o'clock in the morning, when a premature spring wind was whirling outside, disturbed her peace of mind and all but depressed her. She felt the need to get outside into the fresh air and wind, though it flail at her with blown paper and leaves. From time to time an unmistakable gust from the south pierced the galloping whirlpool of air, flaring the nostrils with keen desert desire—a southern breeze such as could only be felt in Jerusalem in autumn and spring. To get away, away, to gallop quickly, to give oneself away.

NOTHING of this could be felt in the office. Bilhah Jacobus was confined to her white beam of light, from which she declared:

"There's something there from Grandma Haya that Meir hasn't seen yet. She commands us to close the windows in her dining room that face out on the new housing projects. She says that she can't stand to look at them, that each time she sees how they've ruined her mountain, her blood pressure goes up."

There was always some new story about Grandma Haya that was always being told with the same helpless affection. Grandma Haya was a monument, and monuments are a law unto themselves. She was eighty-nine-years-old, though she confessed to only eighty-seven, and still cooked all her holiday specialties for her daughters-in-law, who—poor things!—had no strength of their own. One time she paid a royal visit to Dolly's and Meir's house, where she sat for a long time at the broad window that looked down on the Old City from above. Yes, yes, she said. It all belonged to her. She could look out on it all, she who had never been a young starving refugee with a funny family name that had to be changed in a new land. Grandma Haya appraised Dolly sternly and asked if there were roaches in her kitchen. "No, Grandma Haya, there aren't," said Dolly, hiding a smile. Grandma Haya declared firmly:

"I congratulate you."

Meir's and Bilhah's grandmother lived in an old house full of arches with an outdoor toilet that she used day and night, summer and winter, and refused to exchange for a modern, indoor one such as Meir and Bilhah had been begging her to install for years. The rooms of her house were abrasively spotless, cleaner than clean, with their white curtains, whiter tablecloths, and heavy silver candlesticks polished to such a brilliance that they seemed to shine even at night. In his childhood, Meir claimed, he had been afraid to sleep in the same room with the candlesticks because of their light. Each time he awoke, he thought he was seeing a thief's flashlight.

One wall of Grandma Haya's bedroom was covered with a large map of the world in which were stuck little flags. Grandma Haya was a sixth-generation Jerusalemite, she had grandchildren and great-grandchildren all over the globe, and she wanted to know exactly where each one of them was. An orange flag with the name Nurit on it was thrust into London. A bright blue flag that said Elisha and Tali was near Tel Aviv. There was a reddish flag for Yoav somewhere in Sinai. (Not that Yoav ever served in Sinai, but Grandma Haya assumed that if he was in the army, it could only be there.) She had once been in Sinai herself with her departed husband, the doctor, on an expedition of Englishmen, and had ridden sidesaddle as was the custom of ladies in those days. Her memories of the trip—more portraiture, really, than memory—were of ravens, cliffs, and untold dangers. Perhaps vague longings for the place lingered on, for why else would she so staunchly insist that Yoav was there when he wasn't, braving all those dangers, especially when she couldn't even recall very well how he looked?

Grandma Haya was distressed that so few of her flags were in Jerusalem, while in the United States alone there were three, one belonging to Adi, who had been married there in a Catholic church. At first Grandma Haya had wanted to pull that flag out of her map, but at the last minute she relented, so that it remained crookedly in place as though it did not quite belong. Dolly clearly remembered the moment nearly twenty years ago when Grandma Haya had risen from her seat, and planted in the heart of Jerusalem a lemon-colored flag that said Meir and Dolly on it. They had already been married two weeks at the time, but to all of them this seemed the real wedding. At last Dolly had come home. The bare, goaty hill outside the window had seemed to her a potential disaster area of which she alone was afraid. Now that her flag stood firmly in Grandma Haya's map, she felt that she too could relax.

Dolly Jacobus stood in her husband's office and pressed her head against the storm-beaten, forever-sealed window; Bilhah sat in the strong beam of light silently swearing at some unsuccessful calculation, her jewelry coming slowly to a boil again, and up on her hillside Grandma Haya sat at home, furious at the intruding projects that had put her old age to shame. For once in her life she too had no strength to fight back.

THERE was a long line of people in the post office. The fan on the ceiling wasn't working. At the head of the line stood a messenger boy from some office with several dozen registered letters. As soon as he finished, two soldiers advanced out of turn and demanded to be served. The post office kept growing more packed; it was as though half the city had decided to crowd into it, each person with many items to mail. The clerk at the window was slow and incompetent, complaints began to be heard. Dolly Jacobus would gladly have left, but she was already nearer to the front of the line than the rear, and to elbow her way back out through the dense crowd seemed harder than waiting her turn. Perspiration formed on her forehead.

Directly in front of her stood a very small teen-

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age girl with the emaciatedly thin, almost monkey-like appearance of a stunted child. Only her chest and her buttocks stuck sharply out like false appendages that didn't quite belong to her. There was something pitifully sharp and shrunken about her, as though privation had caused her to stop growing in the womb; she seemed more a homunculus than an actual person, a snuffed-out, lightless little candle. A strong smell of the cheapest violet-scented perfume came from her body together with an odor of cigarettes and sweat. No doubt the perfume took the place of daily baths, very likely she slept in her clothes. Amid the great press of people, her curly hair was thrust right beneath Mrs. Dolly Jacobus's nose. She wore tiny doll-like blue jeans that were slightly open at the waist and a purple blouse still shiny from some bargain stand. Where the two failed to meet, a strip of naked, pathetically lackluster skin was exposed, on which grew a dark tuft of animal-like hair. She looked concentrated, smoky, and bad. Her neck was unwashed.

In the girl's hands, Mrs. Jacobus saw, were two registered letters from the law office of Advocate Yitzhaki on Ben-Yehuda Street. Dolly Jacobus and her husband knew Yitzhaki well and had often visited his large home in the German Colony, which somehow made the girl seem less a stranger to her. With her usual avidity to be liked by her inferiors, or perhaps out of a loneliness so habitual that she no longer even sensed that it was there, she smiled encouragingly at the girl. The complaints and congestion had grown worse, if such a thing were imaginable, and Dolly Jacobus sought to free herself of them by moving forward a bit, when she suddenly realized to her astonishment that the dark-skinned waif of a girl not only failed to move too, but deliberately seemed to press backward and turn her head, so that her dark mouth unmistakably delved like an inquisitive kitten's against the soft silk bodice covering Mrs. Dolly Jacobus's right breast. A current of rare flame shot through Dolly's body, and with it, an indistinct fear. She sought to move away once more, which was far from easy in the great throng of people that had long ceased to preserve even the semblance of a line. This time, however, there was no possibility of error: the girl pressed against Dolly Jacobus's stomach again, as though in an open and explicit invitation. She could feel the burning, monkeylike heat of her seemingly chronically feverish body. All of a sudden the girl looked up and regarded Mrs. Dolly Jacobus with a sharp, clairvoyant impudence.

A hot wave, heavy, tropical, and damp passed over Dolly Jacobus. She jerked back her hand so as not to touch the girl's waist and offendedly clamped her mouth shut. Yet she knew, with a weak, sinking feeling, that she could no longer resist the wave of desire rising, illimitably shameless, within her. Not that she was unaware of the element of sadism in this sudden new passion, of her need to trample, to assail. But the girl appeared not to mind, appeared to size up the situation exactly with an omniscience as old as the world. Compared to her, I'm an amateur, Dolly Jacobus thought to herself, a rank amateur. She shut her eyes, conscious that in another moment she would move closer to the knowing little body of her own accord. Just then, however, the post-office manager sent a clerk to open a second window; the line melted away, and the girl stepped forward with her registered letters as though nothing had happened. She mailed them and left the post office without looking at Mrs. Jacobus.

Dolly Jacobus put stamps on the letter to Valletta, which was no longer a knight or even a geographical place but simply a sound. She bought a few extra stamps and dropped the letter in the mailbox, as though glad to be rid of it. When she turned to look for her, the girl had already disappeared among the passersby and been swallowed up by the street. Dolly Jacobus retraced her steps toward the parking lot, entered a dimly lit café on the way, drank something hurriedly, and thought that the storm had subsided. Yet when she turned onto Ben-Yehuda Street she felt suddenly so faint, and the slope of the sidewalk seemed so steep, that she feared she would have to negotiate it on all fours. How, she wondered, could everyone else be taking such a precipitous drop in stride? I will never make it to the bottom, she said nearly out loud to herself. Hesitantly she began to walk step-by-step to her car, when she chanced to meet an acquaintance, a tall, merry young student from the university wrapped in a duffle coat against the errant wind, who mercifully accompanied her part of her way. By the time he took his leave with seven-league strides, he left her feeling better, sorry to see him go.

Dolly Jacobus had often wondered about the meaning of home. There were so many homes in the world, so many houses, and out of them all each person had one alone in which he knew where everything was. Of all the hundreds of thousands of homes, she thought, there is one alone to which I have a key and know that in the top drawer of the chest in the bedroom to the left is a tan camel's-hair sweater; of all the impenetrable, anonymous houses there is only one in which I can find right away the set of dishes that Meir brought from Spain. The lighter. The broom. The wash-and-dry sheets. Now, however, as she sat motionless in her car, she was no longer so sure of this nexus of knowledge between her and her house. If she were to return to it this minute, she felt, the key might not fit the door, so that she would remain trapped outside in impersonal space. And if it did fit, her memories might not. The sweater might not be in its drawer, and who knew whether the chest would be there at all; whether a different table would not be standing in place of the one she knew; whether the whole familiar house would not turn out to have been a

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dream, and the house she returned to a strangely furnished place that she had never arranged. Instead of her rose bushes there might be a strip of concrete on which an electric generator clanked intolerably away. Perhaps a gang of workers. Perhaps the house had been condemned already without her knowing it.

She ran a hand over her forehead to drive the nightmare away. It wasn't the first such ghastly vision she had had in the past two or three weeks. Several times she had dreamed that a stranger, someone she should have known but somehow was unable to recognize, had broken into her house; struggling with the hideous, mocking secret of who he was, she had broken free each time with a choked little cry. When Meir was home, he would wake her. Now she was alone, and it was hard waking by herself in the middle of the night. Often she left the night light on. Yet the panic underneath remained.

This is no good, Dolly Jacobus said to herself, wonderingly: this is no good. Pulling herself together, she stuck the key in the ignition and decided to visit Grandma Haya.

IF THE weather outside was still behaving strangely, none of it was noticeable in Grandma Haya's house, which had a weather all its own. Meir had once remarked that Grandma Haya was the last ecological person in the family. She would never have dreamed of buying parsley and other spices; she grew them herself, planted by the fig tree and the lemon tree in the courtyard. The idea, Grandma said, of buying a lemon in a store. The balsam with which she scented her linen closet was picked by her in the hills, or by one of her granddaughters when her back hurt too much to go look for it. An egg was a meal for her, and who could explain to her, pray, why people ran around as they did nowadays and caused themselves all kinds of diseases of the liver and the heart? People don't live by human proportions any more, she would say: they build too high, live too high, and talk too high. It's an insult to creation. Offices, everyone must have an office.

It was indeed Meir's and Bilhah's good fortune that she had never been to their office, because if she had, who knew whether she wouldn't have taken a stick to them on account of the unopenable windows, fraudulent windows, an arrogance of a building. Once, when she went to town to buy fabric for a dress, Grandma Haya took one look at the prices and threw the cloth back on the counter. "The nerve of you," she said to the salesgirl. "The nerve of you." Then and there she swore that she would never buy another thing until impudence passed from the world. Over her dead body would the speculators get rich. Several years before she had gone to Tel Aviv and returned in a rage; ever since, her favorite phrase of dismissal was to say, "That's from Tel Aviv." If someone brought her a box of chocolates, all becellophaned and beribboned, she would wrinkle her mouth sarcastically and ask: "Is that from Tel Aviv?" And once, when Dolly had brought her a book by some young author, she had declared after reading it: "It must be from Tel Aviv." It was common knowledge that you didn't bring Grandma Haya flowers unless you had grown them in your own garden. Flower butchers was her name for flower shops.

In the middle of the Yom Kippur War, when she had grown tired of baking cakes for the soldiers, Grandma Haya decided to step out: she had an urge to go see the Chagall stained-glass windows at Hadassah hospital. Buses either came in those days or they didn't; over half-an-hour later Dolly found her sitting on the stone bench of the bus station, and suggested that she take a taxi. "What's gotten into you, child?" Grandma Haya scolded her. Besides which, taxis were built low, you couldn't see anything out of them. Buses were built high, at least you could look out and see.

Grandma Haya no longer stepped out any more. She was tired, tired in that quiet way that marks the end of all wanting, of even the hint of a desire. I'm not afraid to die, she told her family. I've never quarreled with my body and I don't intend to quarrel with it now.

"Come on in," she said to Dolly with a bright smile, opening the door for her. "You can help me slice string beans in the kitchen." Grandma Haya never sliced string beans the lazy way, across. She always sliced them lengthwise, her knife passing right through the little seeds in the pod. It gave them an entirely different taste.

They were seated opposite the black grandfather clock in the kitchen. Through the short, starched muslin curtains the light half-filtered in. Dolly had no idea why she had come. If it was to bare her heart, she herself wasn't sure what there was to bare. There was an opaqueness in her that she failed to comprehend but that kept her from returning home. She was in that state of blind anticipation in which a man vaguely senses that things have come to a head, without knowing exactly what things or what head. Grandma Haya sliced string beans and talked.

"ONCE when Menahem, may he rest in peace, was alive, two young yeshivah students came to see him one Saturday morning. *'Doktor, kumt.'* 'Where to?' asked Menahem. 'Our rabbi has had a heart attack.' Menahem was already halfway out of the house with his doctor's case when I decided to open my mouth. 'Just how do you expect him to come with you on the Sabbath?' I asked. 'He won't be able to drive his car down your streets.' 'Then let him walk,' said the students. 'Oh no,' I said, 'oh no. My husband is a man of more than seventy, and he's not going anywhere on foot.' 'Just a minute,' said one of the students to me. 'We'd better talk things over between us.' So they went outside and whispered a bit, psss, psss, psss, and then came back in. *'Doktor, kumt!'* 'How is he going?' I asked. 'In his car,' they said.

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'But they throw stones in your streets at cars traveling on the Sabbath,' I said. *'Doktor, kumt,'* they said. 'Just let him drive slowly behind us, everything will be all right.'

"So he got into his car, may he rest in peace, which by then couldn't have gone very fast anyway, neither it nor he, and drove slowly behind the two students, who walked ahead of him shouting *'Shaa! Shaa!'* to their left and to their right. When Menahem reached the police barrier blocking traffic into the quarter, the police were fast asleep, they never dreamed that anyone would try driving a car into Mea She'arim on the Sabbath. By the time they woke up, the two students had moved the barrier and Menahem had driven through. A policeman ran after them in a state of shock, shouting, 'Hey, it's *shabbes*!' So what did the two students do? They turned around to him and said *Shaa!* That's how Menahem drove into Mea She'arim on the Sabbath, with the two students shaa'ing all the *shabbes*-cryers. He examined the rabbi, gave him something to feel better, and came home. We had a good laugh over it."

"How did he get back out, with the students?"

"No, by himself."

"And what happened?"

"They stoned him of course, what do you think? Dolly, you're younger than I am, throw out this garbage and put some water in the kettle. Where is Meir?"

"Meir is in Malta. At an architects' conference."

Grandma Haya made a face.

"Why on earth Malta? What can a man expect to find in Malta? When is he coming back?"

"I don't know," Dolly confessed. "He didn't say exactly. Perhaps next week."

Grandma Haya was annoyed.

"What kind of business is that? A husband goes off to Malta-shmalta and his wife doesn't even know when he's coming back. You're an idiotic generation. I suppose you don't even know what's written in your marriage contract. In a Jewish marriage contract it says that a husband mustn't go off to the end of the earth without first asking his wife's permission. Did Meir ask your permission?"

"I gave him permission, Grandma Haya," smiled Dolly, the old, habitual darkness in her heart. "And you know he would have gone without permission anyway. That's how men are." Suddenly she found the courage to add: "Don't you think it might be better if women didn't marry men at all? Perhaps what a woman really needs is another woman."

But Grandma Haya wouldn't hear of it and flapped her hands in distress:

"What sort of nonsense is that? Really, the things you people say. A woman needs a woman, *feh*. What is this, Tel Aviv?"

Dolly made a soft, sweeping gesture with her palms, as though gathering in with great gentleness the curly head in the post office, like gathering a flower. She rose to go.

"I'll pour you your tea, Grandma Haya, and then I'll be off. Please, you needn't get up."

Grandma Haya got up anyway. In the grave, she said, is where I'll stop getting up to say goodbye to my guests. She kissed Dolly at the door with the cold lips of a person who no longer has much vital heat. "And tell Meir that I don't like this going off of his one bit. Besides which, I want him and Bilhah to close up my windows in the dining room. There's enough to do here in Jerusalem. What is he running all over the world for?"

HOME, when Dolly returned to it, was warm and very clean, and smelled unmistakably of comfort and wealth. She took off her coat and sat down at the table, exhausted in advance, as though some grim and unavoidable disaster awaited her and she hadn't the strength to begin. Soon, however, God knew from where, a sharp burst of energy ran through her: now, at once, this evening, she must understand everything about herself once and for all. It was time she knew. She rummaged through the closet, took out all the albums and began feverishly looking for the few rare snapshots of herself from her refugee days. None lit the faintest spark. She could not find herself in any of them. Perhaps, she thought, if only, if only I had some picture from my childhood, from the age of four or five, perhaps then. But such a picture was not to be had anywhere on earth. It was as if Dolly had been twice-born, and her first, perhaps realer life had ended abruptly at the age of fourteen. Afterward another, post-diluvian life had begun, with its disguises and new names.

A great wave of sadistic compassion, a feeling not unlike that of a little child who plays lovingly with a doll and a minute later punishingly tears out its hair, cast the girl from the post office up inside her again. The shame of it, thought Dolly dry-mouthedly, the wonderful shame of it. Why, I practically am in need of her. Already she was planning how the two of them would sit here, at this table, studying English together. Dolly would teach her patiently, yet sometimes not, losing her temper in a fit of erotic anger; and as the weather would be hot, and the air-conditioning was out of order, the two would take off their blouses. They would wash each other in the shower. One more step and the girl would be hers, a gutterbird, pinched and adroit.

After midnight the wave vanished as suddenly as it had come. That's the last of it, she thought tiredly, the absolute last of it. I almost made a terrible mistake. Thank God I got over it in time. The situations a person can get herself into, really. She left the night light on, took a sleeping pill, and drifted off into a deep, obtuse sleep.

At ten o'clock the next morning, without knowing a minute beforehand what she was about to do, Dolly Jacobus settled vehemently into her car, slammed the door shut with pursed lips, and drove off with a violent grinding

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of her gears. She parked in the usual lot, which was attended this morning by a new, unfamiliar face, and walked with quick steps in the direction of Advocate Yitzhaki's office. In her panic that she might reconsider and change her mind, she nearly ran up the steps. The lawyer's office was composed of two rooms entered from an old, peeling corridor that housed several other offices as well, in addition to a bathroom with a gigantic old key in its door and a small cubicle in which an aged, immortal-looking man sat making tea and coffee for the office workers. The older he grew, it was said, the more polished were his copper trays and the dirtier the drinking glasses borne on them.

Dolly Jacobus was still examining the name plates on the wall when the bathroom door swung open at the end of the corridor and the girl in the purple blouse emerged and stopped to turn the key twice behind her. She looked even tinier than she had yesterday in the post office. An ancient, wicked triumph shone in her eyes when she caught sight of Mrs. Jacobus. She stepped up to her, too concentrated a ball of impudence for one small girl.

"Would you like to come work for me?" asked Dolly Jacobus. She felt that her generally musical voice lacked all expression, was as toneless as a block of wood.

"Whaddam' I gonna do fa' you?" asked the girl with a trace of scorn. "I ain't no cleaning woman. I work for a lawyer, y'know."

"I know that you do," said Mrs. Jacobus. "You're Advocate Yitzhaki's messenger girl. But wouldn't you like to get ahead in the world? I could teach you English if you'd like."

The girl stared at her blankly.

"It won't cost you a penny," said Dolly Jacobus. "You can come every day to study for an hour, an hour-and-a-half."

The girl gave her head a skeptical shake.

"You'll be sorry y'ast." She seemed to hold the consonants and then spit them menacingly out of her mouth. Cheekily.

"Wouldn't you like to try?"

The girl looked at her askance. To do so she had to throw back her head, since Mrs. Jacobus was much taller. From the girl came the smell of a recently chewed sesame bar.

"When do you finish working here?"

"Me? At six."

"Fine. Be down near the Agron building at six. I'll be waiting for you in my car."

"Me? I can't today. I gotta date with my boy friend, see?"

So soon, so soon the degradation if it had begun. Dolly Jacobus could feel the knife that was being slowly, almost gently turned in her body. Already I am at the mercy of her whims, of her boy friend, who may or may not exist, most likely not. A terrible pity flooded her eyes. She placed a gentle hand on the girl's cheek.

"All right, little girl. Let's make it tomorrow."

The girl must have had no idea of how to respond to an innocent touch, for immediately she thrust out her hips like a streetwalker's, as though it were expected of her. Dolly Jacobus swallowed a hot lump, turned on her heels and began descending the stairs.

"Hey, missus!" called the girl after her, leaning over the balcony. "Missus! Listen, missus, it's okay. Let's make it today."

And Dolly Jacobus felt weak with happiness.

A LETTER was waiting for her at home from Meir, special delivery, as was his habit. She put off opening it. There were two telephone calls. A friend called to invite her and Meir to Friday night dinner, but said quickly when told that Meir was still away, "All right, then, let's make it some other time. Bye-bye, Dollinka, and send the man my best." Then Grandma Haya called, querulous, cross, and very old. Why wasn't Meir back yet? Why weren't her windows taken care of? Did they think she was going to live forever? She had completely forgotten Dolly's visit of yesterday.

Otherwise, there was nothing to do. Lust turned into a series of practical details: a meal ready in the refrigerator, plates on the table, a record that took a long time to choose, a new blouse that lay in its wrapper in the bedroom to give the girl as a gift. She had bought it in a children's store, since sizes that small were available nowhere else. Three times she went to town shopping and three times she came back. It all became so new, blind, and inevitable. Hurry, hurry.

The Agron building was very white in the dusky light. A gray haze rose from the acacia trees to mingle with the exhaust of many cars, against which the lampposts and yellow fences stood out strongly. Dolly Jacobus felt everything intensify: all shapes seemed more significant, as though—the white gleam of the stone that faced the office building, that street light over there that was trying to say a clear sentence—they were all in a code that had to be learned to be read. The cloud-dampered, haze-dimmed twilight did not surprise her: why, since last evening her world had been darkening—since well before last evening in fact—with that last, eerie glow that portends a certain disaster. I am waiting for my love, she told herself, for my poor, ugly love with her smell of sweat and synthetic violets. To support her in the style she will become accustomed to. I shall not skimp.

She waited a long time. The girl did not appear. A gang of boys on their way to Morasha passed by her car and peered apathetically inside at her. A young mother screamed at her son with practiced, despairing, almost ceremonial screams. Two foreign journalists whom she knew waved at her on their way to the press club. Suddenly, in a gust of evening breeze, the acacias began to touch one another, to talk back and forth. The city whirled the evening around inside it, rings within rings; soon

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it would be suppertime, soon it would be nighttime, soon there would be street lights and movies and people clustered around hot popcorn. The whirling rings slowly thickened into solid darkness. The girl had not come.

At seven o'clock, cold, beat, and aching, Dolly Jacobus pressed the accelerator and headed for home. What luck, she thought, at least she doesn't know my name and address. All I needed was to have a blackmail case on my hands, she and her boy friend together, don't get wise with us, lady, we know all about you. Or some venereal disease, who knows. How could Yitzhaki even employ such a horrible girl? Why, one ought to . . . one ought to. . . .

She hurried to enter the house, which seemed to her now all Meir's: those were his clothes in the closet, his slippers on the floor. What a disgrace, really, the things she had thought of doing in it. Even the shirt from the children's store that lay on his side of the bed. Blushingly she took it and threw it in the garbage pail. I didn't do anything, Meir, she said to herself, I only thought of it—and thoughts aren't deeds, Meir, are they? She drew open the heavy curtain, which revealed the most stunning landscape on earth: the old walls of Jerusalem, the Temple Mount and Mount Zion. It's all there, she reassured herself, it's still there, all those thousands of houses dipped now in darkness as though they, as though they alone were the only true houses and deserved to have their wishes come true. She looked around her. The pictures still hung on the walls, the books hadn't vanished, her shoeless foot sunk as sensually as always into the Mashhad carpet. My God, how could I? How? The lunacy of it.

She suddenly made up her mind to call Meir. True, he had firmly, with all the authority of a rational man, warned her not to do it, so that she feared the moment of his anger and surprise—but she must hear his voice, if only to tell him about Grandma Haya's windows, or to find out the number of his return flight, just to talk. She explained to the long-distance operator that she did not know the number, but that she wanted to get the Hotel Phoenix in Valletta. Yes, Valletta, the capital of Malta, that's correct. Once again it seemed to her the most cavalier and elegant of cities. Yet it was hard for her to imagine Meir walking its streets without his car, since he had long ago turned into a centaur, part man and part automobile. It was perhaps only in bed that he sometimes still lay peeled of his layers and defenseless. Who knew what his strength was without his car in the streets of Valletta?

While waiting for the operator to call back, she prepared herself a sandwich, which she ate sitting on the arm of the easy chair, her bare feet crossed. Soon I will speak with Meir, she thought, I will hear the wonder in his voice—the same mild wonder I always hear, as though life itself was not what he had expected. Meir Jacobus, the architect, the man who found it easier to talk about entrances for Zone Three of the Jewish Quarter than about what was going on inside him. We've drifted apart a bit lately, Meir, thought Dolly, but it will all work out, won't it? We will talk now and it will work out.

The sandwich was eaten. Dolly had just gone to the kitchen to get an apple when the telephone rang. She left the unwashed fruit by the sink and ran barefoot to the telephone.

The long-distance operator told her to wait. She heard her talking to the operator in Valletta. Then to the desk at the hotel. So many different voices talking so far away—Dolly had never been very good at understanding such things. *Attendez un moment,* said the operator at the hotel. Then: "Mrs. Jacobus, here's your call."

"Hello?" An unpleasant and familiar woman's voice sounded in Dolly's ears. For a second she failed to understand: why, it was the wooden voice of Esther, ugly, gum-chewing, wigged Esther. The secretary. Then she understood. Slowly she replaced the receiver.

The long-distance operator was persistent. She rang again. "Your call to Valletta, Mrs. Jacobus."

"I've changed my mind," Dolly said. "Please cancel it. I've changed my mind."

So that's how it is, said Dolly out loud in the empty apartment. That's how it's been all the time. I've really always known. But what actors we all are.

She turned off the light and sat on the window sill, looking out at the broad canopy of sky and many lights. Something fell away from her and dropped, perhaps the paths that henceforward would go their different ways, with cosmic speed, so that there would be no remembering even when she had still been her undivided self.

Why, one ought to, said Dolly out loud to the shadowy paintings, whose frames glittered silently in the dark room. One ought to.

Tomorrow, she thought, I'll know what one ought to do.

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"Human Rights" at Harvard Law School

Daniel Benson

In late January 1979, at the Harvard Law School, announcement was made of a forthcoming weekend conference, entitled "Third World Communities and Human Rights: A Commonality of Interests." The conference, sponsored by the black, Asian-American, and Chicano law-student associations, was to be held on February 16 and 17, 1979, on the premises and with the active assistance of the law school. According to advance publicity, the conference would consist mainly of panel discussions on topics ranging from the new international economic order to bilingual education. There was no mention of any panels to discuss such human-rights issues in Third World countries as freedom of speech, freedom of thought, freedom of religion, or protection of the rights of the accused. There was, however, to be a panel devoted to "human rights at home," which would consider the problems of "institutional racism" and "political prisoners" in the United States.

The roster of those invited to lead the discussions included some eighty professors, Third World students, lawyers, and government officials. Prominently listed as a "guest of honor" on all the circulars and posters announcing the conference was Mohammed Emhemad Abdul Aziz of the Libyan Mission to the United Nations.

Soon after the announcement was made, members of the Harvard Jewish Law Students Association (HJLSA), a campus organization devoted to legal research on foreign and domestic Jewish issues, decided to protest publicly the honoring at a human-rights conference of an official of one of the most repressive and anti-Semitic governments in the world. From the beginning, the purpose was not to oppose the conference itself but only to protest the honor being conferred on Abdul Aziz. Committees were set up to compose an open letter to the law-school community, to draft a fact sheet detailing Libya's extensive violations of human rights, and to contact those invited to the conference to inform them of the intended honor and to request that they dissociate themselves from it. All this activity, however, was to be deferred pending the response of the organizers to requests that the honor be withdrawn.

Meanwhile, the organizers themselves had set up a stand in the law-school student union in order to accept advance registration for the conference. On Friday, February 9, one of the members of the HJLSA, a third-year law student, approached several black students who at the time were supervising the stand, conveyed to them his objections to the honoring of the Libyan official, and informed them of the intentions of the HJLSA. At least one of the black students took offense at the phrase "you people" uttered by the Jewish student during the course of the altercation and in response threatened the latter with physical violence. Another of the black students, a principal organizer of the conference, warned that if Jewish students continued to interfere with the success of the conference, "I'll burn this law school down."

After this and other similar, though less dramatic, exchanges, rumors became widespread at the law school that the HJLSA planned to disrupt forcibly the upcoming conference. Urgent meetings were called by the sponsoring organizations to discuss what should be done to thwart these supposed intentions. The following comment, from a newsletter written by the editor of the Harvard *Civil Rights-Civil Liberties Law Review* and distributed among the sponsors of the conference, was typical of the agitated reaction:

> At stake is the integrity and autonomy of the Asian, Black, and Chicano Law Students Associations. . . . The real issue is not whether Libya is a "good" or "bad" country. The real issue is whether the handful of students in the Jewish Law Students Association should be able to impose their censorship upon a conference of Third World students.

During this time, the organizers of the conference refused all requests to withdraw the intended honor to the Libyan official. But instead of defending Libya's human-rights record, about which they evidently knew little and cared less, the organizers publicly stated that they neither approved nor disapproved of the views or policies of any individual invited to participate at the conference. As for the title "guest of honor," it was reported by the *Harvard Law Record,* the law school's weekly newspaper, that "Shirley Wilcher, vice president of the Black Law Students Association and a key conference organizer, said, 'We haven't used "honor" as that word is traditionally used, this is just a recognition of their positions.' " The *Harvard Crimson* reported further that Miss Wilcher stated that the term "guest of honor" was "used to designate the official capacity of foreign and domestic government officials and officials of national or-

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ganizations," although in fact there were many such officials who were listed as planning to attend the conference who were not referred to by the title "guest of honor." In any event, several days before the conference was to begin, new publicity posters were put up which displayed, much more prominently than had previous circulars, the name of Abdul Aziz as a "Guest of Honor."

ALARMED at the situation that was developing, the law-school administration intervened to arrange a meeting between officers of the HJLSA and the principal organizers of the conference. The meeting, which was held on February 13, was conducted by Assistant Dean Stephen Young and Professor C. Clyde Ferguson. After several hours of heated discussion in which the HJLSA was again accused of intending to disrupt and censor in advance the proceedings of the conference, a statement was drafted for release to the law-school community which specifically denied any such objective.

Young and Ferguson requested that the statement be released in the names of both the conference sponsors and the HJLSA. The HJLSA officers agreed to this, with the understanding that none of their original plans for protesting was to be altered. But the conference sponsors, although they had participated in drafting the statement, refused to sign it, apparently in the belief that the HJLSA really was planning a disruption (or perhaps in the belief that continued rumors of disruption would further their own purposes). The Jewish students then rescinded *their* agreement to sign the statement, but to their dismay Young and Ferguson nevertheless proceeded to distribute it over their own names.

INDEED, the administration acted all along as if the HJLSA were primarily responsible for the tension over the conference, despite the fact that the HJLSA had kept it fully informed from the start that its intentions were restrained and modest. The Jewish students, for example, learned from a faculty member of the remark of one law-school administrator: "I hear the Jewish students are planning to bring in the Jewish Defense League from New York." The very fact that such absurd rumors were taken seriously was a sign of the administration's disposition toward the Jewish students, who could not help but contrast the treatment their protests were receiving with the favorable treatment that had been accorded previous protests by the Harvard Black Law Students Association (HBLSA).

Each fall, for example, the Harvard Law School Placement Office arranges for several hundred law firms and other organizations to interview on campus. One of these, the Washington, D.C. firm of Collier, Shannon, Rill, Edwards, and Scott, has represented South Africa in the United States for a number of years. The HBLSA has each year contacted students who had scheduled interviews with Collier, Shannon in order to discourage them from going through with the interviews. The HBLSA has also held demonstrations at the locations where Collier, Shannon meant to conduct its interviews. As a result of HBLSA pressure, for at least the past two years not one student from Harvard has been interviewed on campus by Collier, Shannon.

This challenge by the HBLSA to a law firm's right to represent any client, no matter how unpopular, has if anything been encouraged by the law school. No administrator or dean has publicly criticized the HBLSA for any of its actions in this matter. On the contrary, in 1977 and 1978 the administration issued memoranda designed to bring to the attention of the student body the fact that Collier, Shannon represents South Africa. The 1977 memorandum stated:

> Obviously the placement office is in no position to make judgments about the many clients that interviewing firms represent. However, it ought to be clear that the presence of Collier, Shannon on the law school campus *does not* in any way indicate that the placement office supports or condones the social and political conditions that now prevail in the Republic of South Africa [emphasis in original].

As for the HBLSA, it went further than merely publicizing the law firm's representation of South Africa; it actively sought to prevent the firm from interviewing on campus—and succeeded. There is an instructive comparison between this and the actions of those Jewish students who in 1979 merely sought to protest the honoring of Abdul Aziz at a Third World conference—and between the different reactions of law-school officials to the two "protests." For in the latter case, the law school not only refused to dissociate itself from the unsavory aspects of the conference, but actually provided facilities, publicity, and direct financial assistance.

IN SPITE OF the pressure put upon them, the Jewish students did not change their original plans. On February 12, they sent mailgrams to the United States government officials invited to the conference requesting that they dissociate themselves from the honoring of the Libyan while making sure to point out that the HJLSA did not "wish to interfere" with the success of the conference. An open letter to the law-school community, together with a documented fact sheet, was distributed widely. It read in part:

> We believe that the honoring of an official representative of the government of Libya is totally at odds with the conference's high aspirations and is an affront to the cause of human rights. . . .
>
> The Libyan regime which Mr. Abdul Aziz represents is among the most repressive in the world in its brutal treatment of political prisoners, in its persecution of religious and ethnic minorities, in its subjugation of women, and in its fomentation of virulent anti-Semitism. It serves as a training ground and a haven for terrorists. . . .
>
> The selection of a Libyan diplomat as a "Guest of Honor" . . . is tantamount to an endorsement of Libya's despicable human-rights record and of its publicly declared war on the Jewish people and their nation. . . .
>
> We find ourselves in a quandary not of our making. We in no way oppose the conference itself, nor do we wish to interfere with its success. However, to the

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extent that the conference will honor Mr. Abdul Aziz and thereby appear to endorse the policies of Libya's repressive regime, we cannot remain silent. We cannot ignore our duty to our people, our sense of justice, and our belief in human rights.

In addition to these efforts, the faculty adviser of the HJLSA, Alan Dershowitz, circulated among the faculty a petition protesting the honoring. Several professors added their names; at least one, however, was dissuaded from signing by Albert Sacks, the dean of the law school.

Shortly after the open letter was distributed, two organizations which had been nominal sponsors of the conference reconsidered their positions. The Women's Law Association, without directly mentioning the controversy, issued a statement emphasizing that it intended to co-sponsor only the conference panel which would discuss the status of Third World women. The International Law Society reaffirmed its sponsorship while saying that it did not endorse or reject any views to be expressed.

On February 15, two additional open letters were circulated at the law school. The first of these was written by a group calling itself "Muslim Students at Harvard University." The letter asserted that "[h]uman rights is not the rationale behind the statement of the Jewish students, but a hate for Muslims in general and Arabs in particular," and claimed that the Jewish students should rather be exercised over Israel, "one of the world's major violators of human rights." By this time it was known that the Middle East panel at the conference was to be composed only of Arabs and Muslims and would focus on alleged Israeli violations of human rights.

The second letter was written and distributed by a group of anonymous students calling themselves the Harvard Realist Students Association, an *ad hoc* organization never before or since heard from on campus. Entitled "Another Open Letter on Human Rights," it claimed that "Libya, whose record on human rights is not perfect, is actually being attacked for its support of the struggle of the Palestinians for self-determination." It quoted the maxim of Anglo-American law that "he who seeks equity must do so with clean hands," and proceeded to examine its version of Israel's human-rights record. It concluded that the "political liberty which does exist for many Israeli citizens is based on the wholesale displacement of millions of Palestinians in the 1940's, the near destruction of the Palestinians as a people, and the repeated conquest and continued occupation of neighboring land. War and genocide are the ultimate violations of human liberty."

Approximately 200 people attended the opening session of the Third World conference on Friday evening, February 16. At this session, which began with remarks by Dean Sacks on behalf of the law-school administration, speeches were delivered by the four designated guests of honor who included—in addition to Abdul Aziz—A. J. Cooper, the black mayor of Pritchard, Alabama; Hope Stevens, cofounder of the National Conference of Black Lawyers; and Leslie A. Harriman, the Nigerian delegate to the United Nations.

References to the controversy between the Jewish students and the organizers of the conference pervaded the remarks that night. Stevens was conciliatory, calling upon blacks and Jews to revive their old partnership to work for civil rights. This plea was received in silence and his speech was given perfunctory applause by the audience which consisted largely of blacks and other minority-group students. Cooper, by contrast, spoke to cheers and frequent stormy applause. He decried the state of human rights in this country and claimed that "there are many political prisoners in the United States." He denounced those who, he maintained, had tried to disrupt the conference and then turned to face Abdul Aziz and said, to an especially strong wave of cheers, "I happen to believe in the First Amendment and I believe that what you have to say represents the best for which this nation stands."

Abdul Aziz and Harriman also received extremely enthusiastic receptions. Abdul Aziz spoke briefly, observing that Western notions of human rights are inapplicable to Third World nations, and expressed support for the struggles of Palestinians, Chileans, Africans, and black Americans. Harriman criticized the United States for depriving its minority groups of basic human rights and stated that the foreign policies of the United States worked to abridge human rights in other countries as well.

On Saturday, at a conference panel devoted to the issue of political prisoners in the United States, the radical lawyer William Kunstler described what he called the hypocrisy and utter lack of justice in American society and its legal system. He asserted that no "Third World" criminal in the United States can or should be held accountable for his acts, and called for "guerrilla warfare and armed struggle in the major cities of this country" to remedy the situation. At the same panel, Lennox Hinds, a black professor of law at Rutgers, adverted to the efforts of "sinister forces" which had tried to "disrupt and misrepresent" the conference. These sinister forces, according to Hinds, acted as the "lackeys and allies" of the foreign policy of the United States, which "has never been the friend of the people. It has supported every repressive and racist regime."

Yet these attacks on the United States were gentle compared with the treatment accorded Israel. The panel on human rights in the Middle East in effect sat as a tribunal at which, to the vocal and fervent approval of most of the large audience, the state of Israel (referred to by the panel as "so-called Israel") was tried, convicted, and condemned to extinction. The panel included Abdul Aziz and several foreign students from Muslim countries.

Abdul Aziz spoke first. He managed in the same speech both to assert that the separation of religion and state is an essential precept of a just political system and to laud the Libyan system of Islamic government. When questioned about

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Libya's widespread violations of human rights as detailed in the HJLSA fact sheet, he referred to the inevitable minor imperfections which attend all human endeavors. Israel, by contrast, he described as an illegitimate entity because it allegedly distinguishes among religions, grants special, favored status to Jews, and tortures and oppresses the Palestinians.

The next panelist, a Yemenite graduate student at the Fletcher School of Law and Diplomacy, spoke briefly, claiming that the Jews maintain concentration camps for the Palestinians. A third member of the panel, a Pakistani student, discussed the relation between human rights and wars of national liberation, averring that the principal movement for national liberation in the world today is that of the Palestinians who are combating the real terrorism in the Middle East—namely, their dispossession by Zionism. Finally, an Egyptian law student at Harvard showed how Islam, unlike Israel, guarantees absolute equality for all minority groups under its rule.

Several members of the HJLSA who attended this session attempted quixotically to challenge these statements. They were met by the disbelief and the ridicule of the audience. Near the end of the discussion, a white, non-Jewish student rose to voice his disappointment that the panel was so completely one-sided against Israel and to ask why no defender of Israel had been invited. One of the organizers present responded furiously. She shouted, "This is a conference for Third World people. Everyone knows Israel is not a member of the Third World." Apparently mistaking the religious affiliation of the questioner, and under the further mistaken impression that only a Jew could ask such an impertinent question, she concluded by agitatedly saying, "If it is an anti-Israel conference, it's because *you* turned it into one." This outburst was greeted by the loudest applause of the session.

THE controversy over the conference did not entirely abate in its aftermath. A newsletter of the HBLSA related that two of the organizers, at a post-conference meeting with Dean Sacks, complained that Professor Dershowitz had interfered with the conference by contacting its invited participants and asking them not to attend. According to the newsletter: "Dean Sacks's reply to these complaints was that he would discuss the matter with Professor Dershowitz. [Miss] Wilcher [one of the conference organizers] said that given this guarantee, they would not pursue the matter further 'for the moment.' "

This whole story is nothing short of shocking. It is shocking that Dean Sacks did not forthrightly tell the two students with whom he met that, even on the assumption that their allegation were true, Professor Dershowitz was entitled to speak with anyone willing to listen about any subject he pleased and that it was none of his—Sacks's—or their business even to suggest otherwise. It is all the more shocking in light of the fact that the allegation was entirely false.

After the conference, the HBLSA newsletter published several reports on the proceedings and continued to run comments such as this:

> What happens when Third World students get together in the land of academia? Beneficial discourse, right? Wrong! They may try but they are thwarted by those whose views are different from their own, by those who would thrust their judgment on them in matters such as who is allowed to speak. And at Harvard Law School no less!!

Several hundred people attended the Third World conference. There was absolutely no interference and absolutely no disruption. No one was "thwarted" by anyone from carrying on "beneficial discourse." No one ever attempted to tell anyone who should speak at the conference. On the contrary: the most vicious slurs were allowed to be perpetrated against the Jewish people and no attempt to challenge them was countenanced. As if that were not enough, at the end of the conference an assistant dean of the law school, in good conscience, reported that he was "personally pleased with the results of the First Annual Third World Conference," and a dean of the law school acquiesced without apparent protest in what amounted to an attempt to abridge the freedom of speech of a professor on his faculty. This, at Harvard Law School, no less.

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John Wayne's Image

Richard Grenier

At John Wayne's death, the President of the United States said that he reflected "the best of our national character." "In an age of few heroes," Mr. Carter said, "he was the genuine article." It was a curious tribute to a man who had spent his life pretending to be other people. John Wayne's career was a monument spanning fifty years but he was, after all, not a hero but an actor who played heroes. Despite all the martial types he impersonated on the screen—cowboys, sheriffs, military men, seafarers, pilots, hunters—in his private life he did very little that could be called heroic, not even serving in his country's armed forces in World War II. His studio said that Wayne—thirty-four at the time of Pearl Harbor—attempted to enlist but was rejected because he had four children, a perforated eardrum, and was "overage." But the nation at war was drafting working-class fathers, often with severe physical defects, up to the age of forty. Clark Gable (six years older than Wayne), James Stewart, Tyrone Power, and many others served. Stewart flew twenty combat missions in the Army Air Corps. (Dashiell Hammett, forty-eight and *tubercular*, enlisted after Pearl Harbor, volunteered for overseas duty, and was sent to the Pacific.)

A further irony of Carter's tribute was that, a month after Wayne's death, on the eve of an appeal to the nation for a "rebirth of the American spirit," Carter decried the "moral decline" of the country as he saw it reflected in the pages of *People* magazine: the break-up of families, "the pop heroes, the cultural stars, what sort of lives they led . . . you never see a mention of a husband or wife, always the latest string of relationships. . ." (the words are Jody Powell's). John Wayne had three wives, three divorces, at least one of which was blatantly scandalous, with violent beatings, mutual charges of adultery. He went on binges with his drinking buddies, smashed up places. One wonders what kind of example Mr. Carter would have thought this was to offer "our young people."

But if John Wayne had any real importance off the screen, it was as an arch-patriot and outspoken political conservative—the "Jane Fonda of the Right," as he jocularly came to be known. The quickest way of adumbrating Wayne's politics is to list the political figures he supported and admired: Barry Goldwater, Ronald Reagan, Spiro Agnew, Douglas MacArthur—but also Harry Truman (whom he called the "tie salesman") because of Korea. He felt no guilt whatsoever over injustices done to blacks or Indians in other periods. He hadn't done them, he didn't like whining; he'd give a black man or an Indian a fair shake, and that was it. He thrilled to Israel's victories on the field of battle (and was very popular with the Hollywood old guard of Jewish Republicans). He had an intense dislike of certain words: "socialist," "liberal," even "masses." "When that Eddie Dmytryk used the word 'masses' I knew he was a Commie," he said. For three key years during the Joseph McCarthy period, he was president of the famous anti-Communist Motion Picture Alliance for the Preservation of American Ideals. Yet when the actor Larry Parks admitted to having once been a member of the Communist party, Wayne said it was "courageous" of Parks to admit it, and hoped it wouldn't hurt his career. (Hedda Hopper, the gossip columnist, addressing a mass meeting of the Alliance as its vice president, declared that Larry Parks would certainly *not* be forgiven, adding later in private, "Duke is a little dumb about these things." Parks was not forgiven.)

The contradictions abounded. As the years went by, Wayne, like many another aging conservative, came to feel the country's movies were going to the dogs: too much violence (he who had played more violent scenes than any actor alive), too much sex. But just when liberals had him definitely categorized as a "knee-jerk" reactionary, and a movie-censorship proposition was placed on the ballot in California spelling out just what was to be allowed in films and what was not, Wayne actively campaigned against it. Another seeming oddity was Wayne's friendship (and business partnership) with the celebrated Roberto Arias, son of a former Panamanian president and the leader of an unsuccessful invasion of Panama, whose guerrilla tactics, at least, were patterned on those of Fidel Castro. An even more surprising turn was Wayne's support of the new Panama Canal treaties, after which, for the first time in his life, he received hate mail from the American right wing. In some ways a quintessential American figure, he was nevertheless drawn to the feudal and virile aspects of Hispanic culture. All three of his wives were Latin American (Panamanian, Mexican, and Peruvian). Once, asked to write his own epitaph, he replied in Spanish: *Feo, fuerte, y formal,* translating it himself: "He was ugly, strong, and had dignity."

For many Americans who came of age during the 60's, John Wayne was the hated Vietnam super-hawk. The gross national perception after the collapse of Saigon was that

Richard Grenier *writes widely on the movies. His previous articles in* Commentary *include "Woody Allen in the Limelight" (July) and "Jane Fonda & Other Political Thinkers" (June).*

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Wayne, who had supported U.S. policy, had been "wrong," and that Jane Fonda, who had supported Hanoi, was more or less "right." But rereading the past and present statements of the two standard-bearers in the light of the recent Vietnamese invasion of Cambodia and Hanoi's pitiless and extortionate expulsion of thousands of ethnic Chinese "boat people" to live or die on the open sea, puts the matter in a different light. When fellow "anti-war" activist Joan Baez appealed to Jane Fonda recently to sign an open letter to the Hanoi government condemning violations of human rights in Vietnam, Miss Fonda refused in a sharply worded letter of her own, declaring that she did not believe Joan Baez's charges against Hanoi and that she was shocked that she would take such an "iconoclastic" stand. She questioned Miss Baez's definition of "repression," charged that she had aligned herself with the "most narrow and negative elements in our country," and concluded, "it shocks me that you have come full circle to [the assumptions] that led to the war and the slaughter of one million people." On July 25, Miss Fonda published an article in the Los Angeles *Times* angrily affirming that the United States was "partially" responsible for the "conditions that gave rise to the tide of boat people"—while curiously neglecting to mention anyone else who might be responsible. She denied indignantly that she was "unwilling" to criticize the present government of Vietnam—while still, in fact, studiously refraining from doing so. At this writing, Jane Fonda has never publicly modified her wartime impression of the Vietnamese Communists as "angelic."

John Wayne never modified his position either. "What war hasn't been unpopular?" he said in 1967. "Nobody's enjoying this war, but it happens to be damned necessary. . . . Ever since the revolution of 1917, the Communists haven't compromised once in the family of nations. They're out to destroy us, and logic would tell us that this [our Vietnam war] is the right course. Besides, we gave our word." In 1971, Wayne said: "I honestly believe that there's as much need for us to help the Vietnamese as there was to help the Jews in Germany. . . . At some point we have to stop Communism." For Jane Fonda, Communists, at least Vietnamese Communists, are angels. For John Wayne, they were ruthless and relentless enemies. The reader will have his own ideas as to which of these two views is sillier.

JOHN WAYNE's patriotism was of an ardor rarely encountered in the latter half of the 20th century. He could stand before the Republican National Convention in 1968 and say he was "grateful for every day of life I have spent in the United States of America." But where he parted company with most reasonable citizens, and all people of an independent turn of mind, is that he could not bear to have his country or any appreciable part of it portrayed in an unflattering light anywhere, anytime, by anybody, and he placed simple uncomplimentary description, regardless of its purpose, on virtually the same level as calculated subversion. He accused Carl Foreman and Robert Rossen of doing things really "detrimental to our way of life" by, respectively, writing *High Noon* and directing *All the King's Men* (presumably he felt the same toward Robert Penn Warren for writing the novel on which the film was based).

The scenario of *All the King's Men* enraged him. To have shown Huey Long as a "wonderful, rough pirate" would have been fine, but, "Every character who had any responsibility at all was guilty of some offense against society! . . . Everybody was a shit except for this weakling intern doctor!" And *High Noon* was "even worse." "In that picture, four guys come in to gun down the sheriff," recounted Wayne. "He goes to the church and asks for help and the guys go, 'oh, well, oh, gee.' And the women stand up and say, 'You're rats. You're rats. You're rats.' So Cooper goes out alone. It's the most un-American thing I've ever seen in my whole life! The last thing in the picture is ole Coop putting the United States marshal's badge under his foot and stepping on it! I'll never regret having helped run Foreman out of this country." (The irony of the *High Noon* story is that, in Foreman's account, the genesis of the whole tale, transposed in the film into the Western mode, was Foreman's attempt to round up support in Hollywood to resist the anti-Red machinery being mounted by, precisely, the John Wayne people, and finding that his buddies on the Left were deserting him, one by one, leaving him to fight by himself.)

WAYNE was very picky about the kind of roles he would play: never mean, never petty, never cowardly, only once even cautious. He so much adored playing heroes that it was sometimes said of him that he was just a "big kid."

His bravery, certainly, was that of a child: untested. I have been able to identify only three occasions in John Wayne's life when he carried out conspicuous public actions of a patriotic or altruistic sort of any risk to himself, and this risk was of the familiar mercantile kind, known to any businessman who launches a new venture, and stakes his financial and professional position on its success.

In 1960, after ten years of work and planning, inspired by reverence for what he felt to be the exemplary valor of his country's early days, Wayne made *The Alamo*, the story of the 187 Texans who fought to the last man before being overrun by 3,000 Mexicans under General Santa Anna. Wayne directed the film himself, and played Davy Crockett. The film cost $12 million, a lot for 1960. It was the era of "We shall pay any price, bear any burden . . .," of "Ask not what your country can do for you; ask what you can do for your country." But with John Kennedy's words ringing in the nation's ears, *The Alamo* played to sparsely attended houses, a critical and commercial failure. Wayne lost $1.5 million of his own money. Perhaps the nation was not willing to pay "any" price after all. Or perhaps *The Alamo* was too old-fashioned, too remote, too much of a historical pageant.

In 1965, Wayne wrote to President Johnson that it was "extremely important that not only the people of the United States but

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those all over the world should know why it is necessary for us" to be in Vietnam. He wanted to tell the story of "our fighting men" in Vietnam "in a manner that will inspire a patriotic attitude on the part of fellow Americans—a feeling which we have always had in this country in the past during times of stress and trouble." The enthusiasm for a Vietnam war film in Hollywood at the time was nil, and, ironically, the original version of Wayne's scenario was too overheated even for the Pentagon. But in 1967 Wayne finally made his *The Green Berets*, once again directing the film himself as well as playing the starring role. The New York *Times* called it "unspeakable," "stupid," "rotten," "false." A number of other critics agreed. Interestingly, the film turned out to be a sizable commercial success—according to one set of figures, the second biggest hit John Wayne ever made. In this case, altruism paid.

Wayne's third philanthropic action was of an entirely different order. In September 1964, the actor, who smoked four packs of cigarettes a day, learned that he had cancer of the lung. Swiftly most of one of his lungs was removed and he returned home to convalesce. The dread word "cancer" was never mentioned to the press, the conventional Hollywood wisdom of the time being that it would destroy an actor's "image." But Wayne got to thinking it over, and three months after the operation held a news conference to announce the truth, that he had "licked the big 'C.'" In 1964 cancer was still a shocking subject, and it seemed altogether possible—the link between the performer and the roles he performs being the mysterious thing it is—that the mass public might turn away from a great, strapping, free-swinging colossus of a man it suspected was dying. But Wayne took the risk. "You know how it is in this business," he explained later, "everybody telling you it will destroy your image. I went along for a while until I got back on my feet and then I thought I owed it to people to tell the advantage of early checkups. Maybe, to give hope to someone who had cancer. If I can help some poor devil—or at least give him hope—then I'm repaid enough." It might have been John Wayne's noblest action. In actual fact, the revelation did him no harm at all. Indeed, for the last fifteen years of his life, particularly during the 1970's when his movies were fading at the box office, it came quite to dominate and enhance the public's picture of him. As Cary Grant and James Stewart were slipping away, losing their grip on the public's imagination, John Wayne remained beloved, admired.

For the last decade or so of his life, in fact, Wayne became that comparatively new phenomenon of American society, the *ex*-movie star as permanent culture hero. At the source of this development are the fragmentation and realignment of the entertainment industry brought about by television. In the pre-television movie world, when the Joel McCreas and George Brents and George Rafts faltered, they were rapidly swept away by the newcomers: the Gregory Pecks, Robert Mitchums, Burt Lancasters, Kirk Douglases. There was very little nostalgia for older stars once they had passed out of favor. "Has-been" was a fashionable word of the period. Richard Lamparski, author of the *Whatever Became of . . .?* series, says that in those days old stars "were treated very much like lepers were treated in Calcutta."

But the last wave of performers to attain stardom before television demolished the old movie world were accorded, if not eternal life, virtually life tenure on their celebrity. Who was to displace them? Motion pictures, now playing to only a fraction of the pre-television movie audience, swiftly became the "class act" of the theatrical professions (replacing Broadway). But Richard Dreyfuss and Robert de Niro are known to only a small proportion of the people who knew Gary Cooper and John Wayne. (Has Jimmy Carter seen *Mean Streets*?, or *The Apprenticeship of Duddy Kravitz*?) As for television, which inherited the mass audience, it has embarrassingly little prestige, even among the people who work in it. It turns out a shoddy product, and overexposes and annihilates new stars almost as rapidly as it creates them. A continuing paradox of television is that, by showing old movies on its late shows, it serves to perpetuate the legends of the "great" stars of pre-TV Hollywood.

One curious upshot of all this is that the nation is endowed with a floating firmament of old movie stars, seen as much in New York and Washington as in California, appearing in gossip columns, publishing their (ghost-written) memoirs, sponsoring political candidates, taken by and large to be persons of lasting importance—particularly by people who no longer go to the movies. Elizabeth Taylor, not worth a penny today at box-office windows, is an ornament of the nation's capital. The presence of Lauren Bacall at the Washington Redskins football game is an event. Cary Grant and James Stewart address national political conventions. So too with John Wayne. After he ceased being a star, he became—unlike William S. Hart or Tom Mix—a legend, "bigger than life," as Mr. Carter says, a folk hero. It was an interesting trick, to be hailed as a great performer by people who were not, when it came right down to it, willing to buy tickets to see him perform.

An even better trick was to convince people that the heroic characters he had played on the screen were somehow himself. John Wayne had an absolutely remarkable presence, both on screen and in life, yet he knew perfectly well that acting was "delusion," and once admitted that "this Wayne thing" was "as deliberate a projection as you'll ever see. I practiced in front of a mirror." Did John Wayne, then, think he was a hero? I suppose he was only human. If other people thought so, why not go along?

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Books in Review

Crisis of the West

IN DEFENSE OF DECADENT EUROPE. By RAYMOND ARON. Translated by STEPHEN COX. *Regnery/Gateway. 297 pp. $14.95.*

Reviewed by MICHAEL LEDEEN

THIS book, which Henry Kissinger called "one of the most important intellectual statements of our time," is written by the outstanding Western intellectual of the postwar period. Like virtually everybody else in France in 1976, Raymond Aron was convinced that the Union of the Left would come to power sometime in the next year and a half unless there was a fundamental shift in French political culture. He accordingly suspended some of his more scholarly activities which had led to the publication of a brilliant two-volume study of Clausewitz in the mid-70's and dedicated himself to politics. First in *Le Figaro,* then in *L'Express,* Aron, along with Jean-François Revel, Max Gallo, and others, conducted a concerted campaign against the Socialist-Communist alliance. This book is part of that ultimately successful political campaign, in which the destiny of France was very much at stake. For those not familiar with French intellectual debate it is not exactly an easy book (and the translator has left it syntactically intact, thus giving the effect of a kind of *franglais* in reverse). But though it takes a bit of trying to get the hang of it, the effort should be made, for *In Defense of Decadent Europe* directly addresses the central questions of our time.

The theme of the book can be easily deduced from its title: Western Europe has been in decline since the end of World War II, and of late has fallen into decadence. The decline takes the form of a loss of real power in the world struggle, and the decadence is to be found in a growing conviction that Europe lacks the will and the courage to assert itself, or even to defend its own interests. The depth of this European decadence, according to Aron, can be gauged by the popularity of what he calls the Marxist Vulgate, a simple-minded and moralistic condemnation of capitalism and liberal society that constitutes much of the appeal of the leftist movements. According to the propagators of this dreary message, Europe is a failure: its society is oppressive, its nations are racist and imperialist, its structures are relics of an outmoded past. Challenges come from all sides: from the pseudo-revolutionary student movement of the late 60's and early 70's, from a pseudo-scientific ideology of catastrophe as propagated by the Club of Rome, and from Marxist parties that still believe the Soviet model is superior to that of liberal Europe. The defenders of the old continent are few and far between. Worse still, Europe itself has embraced many of these themes (another sign of decadence), and hence:

> In spite of its wealth, in spite (or because) of its culture and its freedoms, Western Europe as a whole does not think it is capable of defending itself without assistance. In the face of the Soviet divisions that have been stationed in the heart of Europe for more than thirty years, it entreats the United States to insure the political balance and its security by the maintenance of an American army—the symbol of nuclear deterrence.

Aron therefore sets out to demonstrate that Europe, with all its defects and despite its unquestioned decline, is infinitely superior to the Soviet alternative in every area of endeavor (save military might), and that the attacks against it are based on myth and confusion. He focuses his counter-attack on the Marxists, the most vigorous enemies of European civility. Echoing Solzhenitsyn, Aron tears into the great Marxist falsifiers of history and social science, showing how with each great historical setback to Marxist analysis, its devotees have simply explained away the refutation of their predictions on the basis of individual error and aberration (Stalinism) or on the basis of accident—exactly what the theory was not supposed to permit. Thus, the proletariat has not revolted, as Marxist theory said it would, capitalism has not collapsed of its own contradictions, and "socialism" everywhere has given rise to Gulags. Nevertheless,

> swearing by all they hold sacred that their own Marxism has nothing to do with the one that Solzhenitsyn attacks, [the Marxists] continue to "Marxify" the universities, the social sciences, and the political and literary magazines—naively convinced that their revolution will not end in the same despotism, too eagerly bent on destroying capitalist-liberal society to ask themselves what society they would build in the ruins.

THE Soviet empire has been a monstrous human failure, and even its modest economic success depends on technological and agrarian aid from the West. Yet Europe somehow continues to believe that *it* has failed, and that the East offers a more hopeful line of social organization (provided that the "excesses" of totalitarianism can be avoided). Central planning has more often than not led to disaster, yet Europeans often act as if a market economy were the most inhumane of all. As European economies have become increasingly centralized and increasingly designed to provide social welfare, the result is what Aron calls "the British dis-

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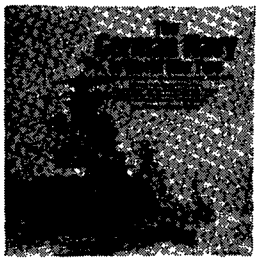
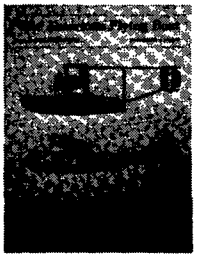
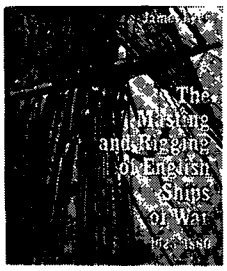
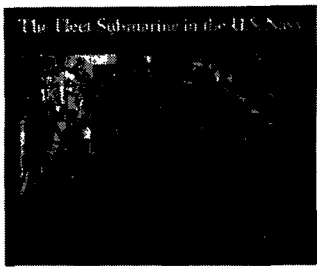
Autumn Is Time Enough for Serious Reading



The U.S. Naval Academy

An Illustrated History
By Jack Sweetman.
Foreward by Arleigh Burke.

Here is a lively, accurate, and concise history of one of America's premier educational institutions. Dr. Sweetman, an assistant professor of naval history at the Academy, follows its history from the days of mutiny, duels, fixed curriculum, and hazing to the Rhodes Scholars, athletic excellence, female midshipmen and the liberal choice of academic courses that characterize the Academy of today. He has vividly captured past and present in an engaging book that will delight everyone who has ever been associated with the Naval Academy, as well as those whose curiosity about its history and traditions has never been quite satisfied.
1979/280 pages/200 illustrations/Deluxe Edition: Slipcased/ ISBN: 729-1/$23.95/Regular Edition: Clothbound/ISBN: 730-5/LC No. 78-70778/$17.95

The German Navy in World War Two

An Illustrated Reference Guide to the Kriegsmarine, 1920-1945
By Jak P. Mallmann Showell.

This authoritative and lavishly illustrated survey of the German Navy during the Second World War is a valuable reference to virtually every aspect of one of the most effective combat forces ever to put to sea.

The author has scoured several previously unavailable sources and historical collections to compile this new history of the deadly Kriegsmarine.

The book includes historical background, numerous technical details of the ships of the fleet and the German naval invasion forces, biographies of important German naval leaders, and a thorough account of the underwater arm of the Kriegsmarine, the devastating U-boats.

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aster": the inordinate shrinkage of the productive sector that alone can produce the surpluses necessary for social services.

All of this leads inevitably, as Jimmy Carter has now discovered, to a crisis of authority. Self-hatred is self-reinforcing, and when an elite adopts the ideology of its enemies, that ideology spreads throughout the society. As Aron wisely observes, rampant reformism inevitably leads to revolution. "Whereas the victims of a system put up with a fate they judge themselves incapable of changing, those who glimpse the summit but cannot reach it are prompted to rebel." Ask the Shah of Iran, and compare his testimony with that of Brezhnev.

Is it possible for this crisis to be overcome? Aron believes it is. As he notes, the economic recession which followed the first round of OPEC blackmail in 1973 had a salutary effect on many of the people who had forgotten that "living comes first." The sight of the economic gallows helped to concentrate the European mind—if only for a moment. It reminded Europeans that there are certain social imperatives that make Western civilization possible, and that "growth is neither a gift from heaven nor part of the inevitable nature of things." In economic affairs, the solution in Aron's opinion—in Europe as in New York City—is to keep the productive sector "sufficiently extensive and retain a large enough amount of its own surplus for investment. . . ."

Europeans are slowly reminding themselves that freedom lies on this side of the Yalta line, and that it is well worth defending. Thus, Aron closes his book with the observation that there are two specters haunting Europe today: the specter of freedom, which threatens decadence because of its vitality, and the specter of the Red Army, which would crush freedom by its ability to enslave Europeans. Aron urges that his fellow Europeans embrace their ancient calling: "rejecting servitude is not enough: one must also recognize the dangers, and face up to them."

This is perhaps not a particularly stirring call on which to end such an important book. But one of the great merits of this great intellectual and moral figure is his steadfast refusal to indulge in cheap rhetoric or claim to have more "answers" than he can reasonably provide. And Aron's tone is precisely the right one at this critical movment. Though our President tells us to line up, reject doctrines of progress, and accept the inevitable, we should be concentrating our attention instead on the questions Raymond Aron addresses to us in his introduction to the American edition of *In Defense of Decadent Europe*: "Have the causes that brought about the decline of the United Kingdom not become visible in America, as well? Faced with an increasingly powerful and militant Soviet Union, do the Americans still have the same resolution they did thirty years ago?" Raymond Aron's France, in the historic elections of 1978, rejected the totalitarian temptation. But Europe will not be able to survive the decadence of the United States. If we fall prey to that decadence, which he analyzes so well, the specter of the Red Army will make the current European revival a brief moment of calm before the flood.

Leaving Russia

THE AMERICAN MOVEMENT TO AID SOVIET JEWS. By WILLIAM W. ORBACH. *University of Massachusetts Press. 224 pp. $15.00.*

Reviewed by STEPHEN J. WHITFIELD

Bereft of their cultural and religious institutions, suspected of "cosmopolitanism" within a workers' state, denied even the charade of an "autonomous republic" while rendered vulnerable by the ethnic designation in their internal passports, and threatened with quotas that erode their educational and vocational opportunities, the Jews of the Soviet Union have begun to transform themselves from objects of fate into historical subjects and moral agents. By now it has become a commonplace that many of these heirs of the revolutionary promise of equality and assimilation are no longer the "Jews of silence."

What was scarcely imaginable to Elie Wiesel, whose 1965 visit to Russia gave the phrase currency, can be observed with all its piercing emotion in the depots of Vienna, at Lod airport, and at the JFK terminal. At the present rate of over 4,000 a month, the second largest concentration of Jews in the Diaspora is seeping out. Ostensibly they are rejoining relatives, but they are also seeking to escape discrimination and to live in open societies that might accommodate their particular talents and their fundamental hopes. In daring to extend the contours of their own freedom, the émigrés have thus become what their former masters had warned all Soviet citizens against.

The right of other Soviet Jews to emigrate nevertheless remains precarious, despite the 1975 Helsinki accords, in which the Soviet regime agreed to expedite family reunification. The fragility of that promise has kept the plight of Russian Jewry on the international agenda; for even as the exodus has swollen to more than 160,000, the Soviet record of repression in thousands of cases has remained an irritant to détente. Congressional delegations visiting the USSR often meet with "refuseniks" (those denied exit visas), and both political parties in their quadrennial platforms denounce the bureaucratic obstacles and the climate of fear imposed on potential emigrants. Anatoly Shcharansky is probably the world's best-known political prisoner. After two Soviet spies were convicted in an American court, they were repatriated in April in exchange for five Soviet prisoners, including two Jews who had tried to fly to Israel nine years earlier. In making the swap, American diplomacy broke precedent by demonstrating that the lives of Soviet citizens seeking to emigrate are precious.

That exchange is one measure of the pressure exerted by American Jewish activists, whose campaign to alter the policies of the world's two

STEPHEN J. WHITFIELD, *a new contributor, teaches American Studies at Brandeis.*

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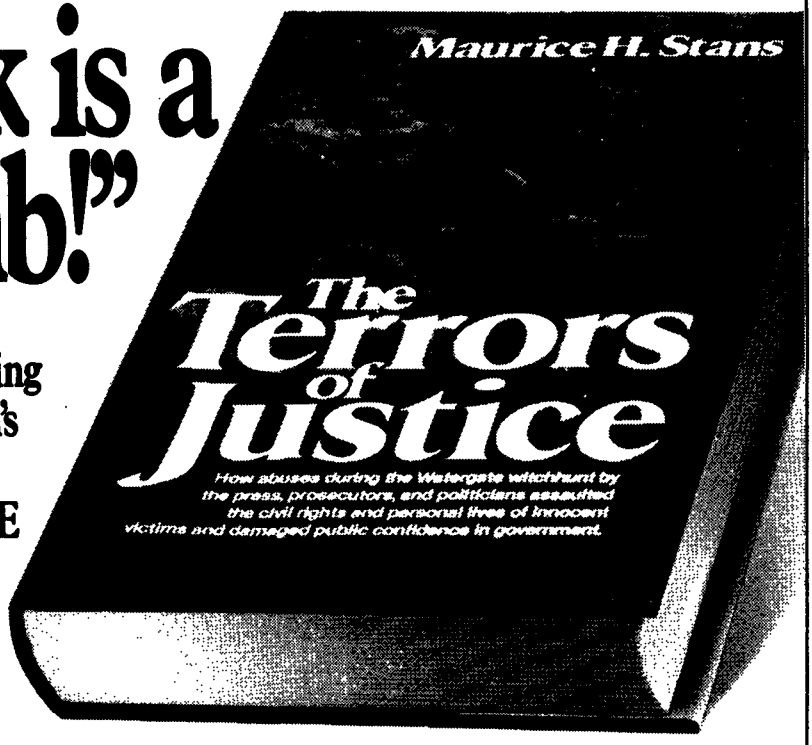
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most powerful governments is the subject of William Orbach's study. Although dozens of publications have appeared in recent years on the plight of Soviet Jews, this is the first to chronicle the political struggle their champions have waged. The author, who teaches religion at the University of Louisville, has based his account on the public record, on interviews with chief figures in the movement, and on material made available to him by organizations like Student Struggle for Soviet Jewry, the Union of Councils for Soviet Jews, and the National Conference on Soviet Jewry. The book is disappointing. But not even its conceptual fuzziness and inert prose can suppress its dramatic force, for the American movement tapped certain themes—of *pidyon shevuyim* (the release of captives), of deliverance from the threat of extinction, of return to Zion—that punctuate the Jews' sense of their own history, of the mystique of their destiny.

THE tactics American Jews have employed are drawn from the arsenal available to voluntary associations within a democracy. Letter-writing campaigns have been conducted in the direction of both Soviet and American officials as well as toward the refuseniks and prisoners themselves, who have also been "adopted" by Senators and Congressmen. Such tactics have been supplemented by boycotts, picket lines, and rallies, such as the annual Solidarity Day. These gestures had been conceived by the early 1970's and were capped in 1973 with the passage of the Jackson-Vanik amendment, which linked the bestowal of "most-favored-nation" status and Eximbank credits to the liberalization of Soviet emigration policy.

But the thrust of the movement, as Orbach demonstrates, has been neither legislative nor even diplomatic. It has been animated instead by what Ralph Waldo Emerson called "pitiless publicity." For in Soviet society, which is without "public opinion," without forums of information that are both independent and legal, the valor of the refuseniks would otherwise be without resonance. Without Western interest, their own powers of resilience might have atrophied, and the energies of the emigration movement within Russia might have been paralyzed. The involvement of outside sympathizers in the fate of Soviet Jewry therefore has implications for students of American Jewish life and of the public culture in which it is embedded.

AS AN account of the tactics that the movement has devised, Orbach's book is useful. But he is rather diffident about drawing conclusions from his narrative, leaving to his readers a serious assessment of the "limited but real success" of the activists. His book fails to provide a context of meaning, for Orbach is the sort of scholar who can't see the *tallis* for the fringes, and who spoils this first opportunity to arrange his particular data into a coherent pattern. The text is simply too episodic to be violated by an idea that is developed, qualified, and sustained, and which might invest his subject with other than momentary piquancy.

Not that his book is entirely devoid of a theme. What especially attracts Orbach's curiosity is the tension within the movement over the most effective forms of protest, the dispute between those who advocate conspicuous public actions and those who favor private representations to American and Soviet officials. Orbach marshals evidence of disagreement and uncooperativeness among the various groups (his own sympathies are with those he considers militant). But the author is unable to demonstrate that the instances of dissension he cites have hampered the exodus itself. His final chapter, which describes earlier movements that supported the Irish, Armenian, and Jewish struggles for national independence, reveals the very opposite of what Orbach criticizes in the American champions of Soviet Jewry. For the establishment of Israel and the independence of Eire were accomplished in spite of conflicts among American Zionists and within the Clan-na-Gael. And in any event, the differences of opinion that are characteristic of American organizational life distinguish democracy from the very society that the emigrants have fled.

ALTHOUGH Orbach seems unaware of it, his book adds to the evidence of what a peculiar people the Jews are. They have, more than other American minorities, believed that political action is vindicated in terms of receptivity to ethical demands. An interpretation of their communal role in politics which stresses self-interest or economic motivation does not do them justice, and the movement in support of Soviet Jewry is an example. The arrival of new refugees will not enhance the social status of Jews who have lived here for generations. Immigration is unrelated to the economic welfare of American Jews, except insofar as they must tax themselves somewhat more heavily to provide social services for immigrants. In contrast to the importance of Israel, the cause of Soviet Jewry is only marginally connected to the strengthening of religious and cultural institutions and the perpetuation of Jewish identity in America. Support for brethren in Russia creates friction with the only nation posing a military threat to American security. Nor is the drive for freer emigration merely a coefficient of historical resentment. Orbach reports that a significant minority of younger activists participated in the civil-rights and anti-war struggles of the 1960's, which suggests that the present movement is not decisively indebted to intense traditions of anti-Communism. One explanation remains, however eccentric it may seem: idealism.

Against the humanitarian impulses of the advocates of Soviet Jewry have been pitted indifferent officials and formidable obstacles. To the Nixon and Ford administrations in particular, to strategists of peaceful coexistence, and to businessmen anxious for trade and investments in the USSR, the presentation of moral claims for a beleaguered minority has been inconvenient. The Soviet regime itself can, while bristling at "interference" in its internal affairs, also play American domestic politics—whether by

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all the works of creation . . ."
— Sifrei, Naso, 42

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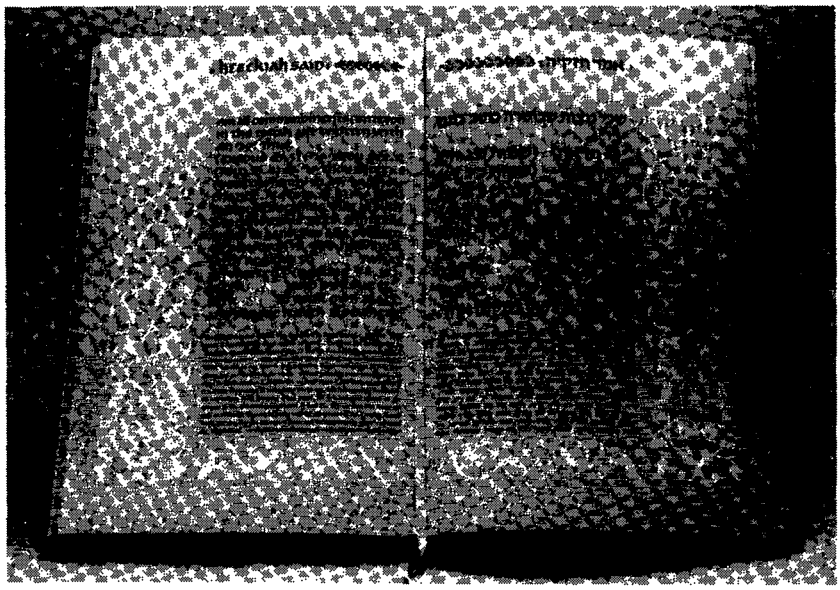

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denying Senator Jackson a visa or by rewarding Senator Kennedy or President Carter with the release of particular families on appropriate occasions. Most importantly, of course, the regime can intensify the anguish inflicted upon its Jewish population and can alter the rhythms of assimilation, of anti-Zionism, of campaigns against foreign contacts—or of emigration. The autocratic power to do so is only distantly susceptible to the influence of organized American citizens. That the regime has not succeeded in blocking the emergence of Soviet Jews from silence, or effectively sidetracked their sympathizers in the United States, is perhaps the most stirring lesson that can be drawn from the interstices of William Orbach's book.

Bill, Phil, Buff & Harry

THE POWERS THAT BE. By DAVID HALBERSTAM. *Knopf. 771 pp. $15.00.*

Reviewed by MICHAEL NOVAK

IN days gone by, "the powers that be" meant bankers and the owners of huge corporations that produce steel, oil, motors, and the like—barons who through the power of advertising towered above the media and to whom the media were thought to be subservient. But now, David Halberstam tells us, the media have turned the game upside-down. They—specifically CBS, Time Inc., the Los Angeles *Times*, the Washington *Post*, and the New York *Times*—are the *new* "powers that be," not least in politics. Indeed, Halberstam begins his book with a quotation from Lyndon Johnson in 1971: "All you guys in the media. All of politics has changed because of you. . . . You've given us a new kind of people. Teddy. Tunney. They're your creations, your puppets. No machine could ever create a Teddy Kennedy. Only you guys. They're all yours. Your product."

Halberstam believes that this shift in power originated with Roosevelt, the rhythm of the times and great inventions and the swift pace of events "working to centralize power. . . . Issues became national rather than parochial or regional. . . . Technology was bringing the central state a longer and more powerful reach. The central state could reach areas previously isolated." So Roosevelt "quite consciously" elevated the importance of the press, "needing the Congress and the party structure less." The press "became more and more architects of the national agenda. . . . The press corps was becoming a different, more serious, and better informed body . . . as the stories become serious and more complicated, the people writing them become better qualified, better educated, and more serious."

In tune with this note, Halberstram spends over 700 pages portraying a race of geniuses, handsome as gods, full of grace and command. William S. Paley of CBS:

> He was a sensualist and hedonist who was, at the same time, a rigorously disciplined and organized businessman . . . an unerring instinct for the bottom line . . . always seemed to ask just the right question . . . just so much smarter than anyone else in the business, so much more subtle . . . tough, that above all, . . . young and handsome and rich and smart, and the enthusiasm, indeed the avidity for life, for every phase of it, seemed to jump out from him . . . a forerunner of the Beautiful People. . . .

The late Philip Graham of the Washington *Post*:

> He was the incandescent man. Phil Graham walked into a room and took it over, charming and seducing whomever he wished, men and women alike. . . . He was handsome and slim and when he smiled, at first shy and then bold, everything stopped. He was the Sun King.

Buff Chandler, wife of Norman Chandler of the Los Angeles *Times*:

> A woman before her time. A feminist in pioneer country. Always, above all else, a presence. Fierce, intense, driving. Easily wounded, easily moved to tears, yet resilient, always ready to work the next day. A mover, always driving and pushing. A relentless woman. . . . She was the woman who kept the Chandler dynasty alive, pushed Norman to reach beyond his parochial orbit and touch a larger world, drove by the most subtle pressures her son, Otis, to deeds of excellence (not by chance was he world-class shot-putter). She was the most important Chandler of modern times, her mark was everywhere in downtown Los Angeles, the cultural world of the city would not exist without her.

The late Henry Luce of *Time*:

> Harry. Everyone called him Harry, it was a sign of terrible ignorance to call him Henry. . . . He was the outsider, the poor boy at both Hotchkiss and Yale who later towered over his contemporaries but never really became an insider himself. . . . "Why don't the Rockefellers like me?" he once asked a friend plaintively. . . . He was a big man, little ideas and little concepts and little men did not interest him; he was always in search of giants . . . and he was a big man himself. He was a major figure in American journalism, the leading innovator of more than two decades, and perhaps only Walter Lippmann in a different way was as important a figure of the same era. . . . He was large on the landscape.

Curiously, however, despite these highly romanticized and glamorized portraits, the "powers" in Halberstam's book turn out to be less the founding fathers whose lives he actually chronicles—the owners, publishers, and editors—than the writers and reporters they hire. His hidden story line is how the latter came to prevail over the former, first on Joseph McCarthy, then on Vietnam, finally on the expulsion of Richard Nixon from the Presidency. The ideology of the "powers" has had constantly to give way to a new, morally superior, more powerful ideology.

One may question the moral superiority of this new ideology but Halberstam is certainly right about

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MICHAEL NOVAK's *books include* The Rise of the Unmeltable Ethnics, Choosing Our King, *and, most recently,* The Guns of Lattimer. *He is currently Resident Scholar at the American Enterprise Institute.*

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its power. With a blast of relentless publicity its purveyors can destroy the reputation of a Senator, a corporate executive, their own employers, even an entire industry (like nuclear energy).

In this respect, one of the oddities of this fat book is how little space Halberstam devotes to Spiro Agnew's attack upon the press, barely a page and a half. Yet his own account of how, through the media, a new national morality has replaced regional and parochial moralities; of how the national media are more and more staffed by a new elite of superior educational attainment; and of how they are bearers of a new political idea about the United States and the world, is paralleled by his pithy summary of Agnew's speech in Des Moines in 1969: the national media have become "a special, arrogant, small but far too influential elite, unrepresentative, unelected, and highly paid. They all lived in the same two unrepresentative cities, Washington and New York, spoke only to each other, and constantly reinforced their own particular viewpoint . . . [they] did not just report, they constantly editorialized."

Of course the last thing Halberstam wishes to do is repeat Agnew's indictment. Yet apart from providing a feast for gossips and a pool for each Narcissus of the media, that is precisely what *The Powers That Be* ironically does.

Religion & Modernity

THE HERETICAL IMPERATIVE: CONTEMPORARY POSSIBILITIES OF RELIGIOUS AFFIRMATION. By PETER L. BERGER. *Anchor Press/Doubleday. 220 pp. $9.95.*

Reviewed by
WERNER J. DANNHAUSER

PETER L. BERGER is a sociologist of unusual depth and range who has written lucidly on a variety of subjects, including epistemol-

WERNER J. DANNHAUSER *is professor of government at Cornell and the author of* Nietzsche's View of Socrates.

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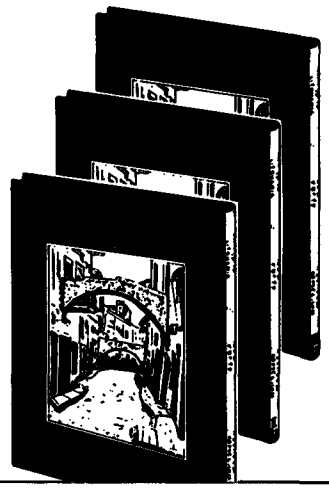

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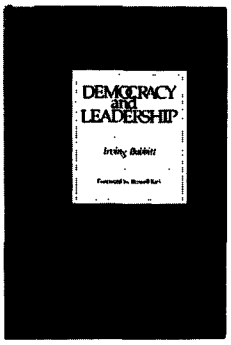

Democracy and Leadership

By Irving Babbitt

A penetrating work of political and moral philosophy, first published in 1924, *Democracy and Leadership* is packed with wisdom. Irving Babbitt was a distinguished professor of French literature at Harvard and a leader of the intellectual movement called American Humanism. This was his only directly political book, and in it Babbitt applies the principles of humanism to the civil social order. He summarizes the principal political philosophies; contrasts Rousseau with Burke; describes true and false liberals; distinguishes between ethical individualism and destructive egoism; and stands up for work and duty. *Democracy and Leadership* joins the broken links between politics and morals—and that accomplishment marks it as a work of genius. With a foreword by Russell Kirk. Hardcover $9.00, Softcover $4.00.

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ogy and developmental problems of the Third World. He is, however, best-known, and justly so, for his work on the sociology of religion, a topic to which he now returns, as he tells us, after a decade of other labors.

Thoughtful readers will welcome him back. Almost everyone—from President Carter to Solzhenitsyn to the proverbial man in the street—agrees that in one way or another our deepest problems are spiritual, which is to say religious. Since so much that is written in this area is pop theology, sentimental treacle, apocalyptic prattle, or empty sermonizing, we are much in need of the reflections of serious men even if they happen to be sociologists and even if we suspect that sociology as a discipline is bound to be a little weak on matters such as piety and God.

One must hasten to add that Berger is both an extraordinary sociologist and more than one. He confesses almost at once to being "unambiguously (and, I daresay, irrevocably) Christian." What is more, he forthrightly aligns himself with "Protestant theological liberalism" and insists that Protestantism is the paradigm for studying "contemporary possibilities of religious affirmation."

The various positions Berger assumes and identifies are not always in perfect harmony with each other and sometimes they seem to operate at cross-purposes. Berger the sociologist is content—or forced—to limit himself to outlining the situation of contemporary religion in what turns out to be an overly abstract and methodological treatise. He also employs terms that must go against the grain of the writer's predilection for good prose: "plausibility structures" instead of "credibility" and "truth claims" where just plain "truth" would do very well.

If Berger the sociologist has taken a kind of oath to do no more than draw a map of the territory, Berger the Christian necessarily feels compelled to hint at where we ought to go, even as the liberal Protestant in him necessarily talks about the best way to get there. The rather empty generalizations of the social scientist coexist uneasily with a set of prescriptions that are insufficiently universal in spite of Berger's best intentions. The resulting tension sometimes enhances the argument, sometimes flaws it, but always makes it worthwhile following.

The main thrust of that argument is that "modernity has plunged religion into a very specific crisis" characterized above all by pluralism. It has done so primarily by forcing men to choose beliefs to which they had previously been consigned by fate. Less and less is dictated by necessity; more and more becomes a matter for questioning. In terms of belief, this means that the faith of one's fathers must yield to one's "religious preference." At the same time, the traditional reasons for choosing one religion over another—or any religion at all—are gravely undermined. By "the heretical imperative" Berger means this radical necessity to choose. "A *hareisis* originally meant, quite simply, the taking of a choice." He tries to transfigure the necessity of choice into the virtue of choice as well as to articulate the various possible ways of choosing.

At this point difficulties begin to appear. One does not choose religion as such but a particular religion. Furthermore, it is not clear what the relation is between the utility—if any—of a religion and its truth—if any. Finally, it is not even all that clear what a religion is since everything from Communism to commercialism has been called one. Berger attempts to circumvent such complications by having recourse to the empirical evidence of human experience. He is thus led to define religion as the "human attitude that conceives of the cosmos (including the supernatural) as a sacred order." So far so good, but he goes on to speak of the embodiment of religious experiences in traditions which routinize them. Here he is not only influenced by Weber ("the routinization of charisma") but doing less than full justice to Catholicism and Judaism, which place more emphasis on tradition and confer greater dignity on it than does Protestantism. The same Protestant bias can be seen when Berger assigns to Protestantism the birth of modern biblical scholarship, without so much as mentioning Spinoza, and when he rather persistently limits his inquiries to religious faith without reflecting on religious law.

HAVING described the modern religious crisis, Berger proceeds to discuss three possible responses to it. The first of these is "deductive" and involves the reaffirmation of embattled tradition, or in other words neo-orthodoxy. Its greatest Protestant advocate is unquestionably Karl Barth. Berger is generous in his tribute to the man who so intransigently insisted that the "word of God" be taken on its own terms and buttressed his case with a "majestic" opus. But he is also critical of Barth and up to a point his criticism is irrefutable: *neo*-orthodoxy (emphasis mine) can never have the pristine innocence of simple orthodoxy; Barth was forced to defend fundamentalist views in Hegelian accents. On some points, though, Barth seems immune to the strictures of Berger, who tries to saddle him with the advocacy of a Kierkegaardian leap into faith. It is true that there are weighty arguments against leaping, but Berger himself has previously referred to Barth's view that faith is not a human possibility but rather something that happens "if and when God wants it to happen." Doesn't that deny the very existence of a leap into faith?

The second possible response to the modern situation is "reductive" and is best exemplified, in Protestantism, by Rudolf Bultmann and his project of "demythologization." This is the possibility least congenial to Berger, and one can see why. Demythologization involves a continued bargaining with modernity that entails excessive concessions to it. Moreover, it is a process easier to begin than to end; it is hard to see what that is specifically religious can survive such a consecration of modernity. Berger is also quite perceptive in discerning the Heideggerian (and essentially pagan) underpinnings of Bultmann's thought. Nevertheless, he may at the same time underestimate its intransigent strength. For example, he is given to citing Karl

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Jaspers against Bultmann without considering the fact that many observers of their debate are convinced that Jaspers was trounced in the encounter.

The third and final possible response discussed by Berger, and for him the only valid one, is the "inductive" one articulated first by Friedrich Schleiermacher, the hero of the present volume (a crucial section is entitled "Back to Schleiermacher"). Berger calls the true option "inductive" because Schleiermacher sought to reformulate "Christian theology in terms of the human experience of faith." He begins his exposition with Schleiermacher's characterization of the essence of religion as an "experience of absolute dependence." One regrets his failure to discuss Hegel's scathing comment that this would make dogs the best Christians—an unfair comment, perhaps, but one that contains the seeds of a very serious critique of this kind of theology.

Berger is all in favor of the kind of phenomenological approach developed by Schleiermacher, so much so that he tends to minimize its pitfalls. First of all, Schleiermacher's legacy leads much more to the modern emasculation of religion Berger opposes than to the Barthian rigor he admires (without subscribing to it). Then, too, Schleiermacher's theology has great difficulty in distinguishing between genuine and spurious religious experiences, between the choice of one religion as against another, and between the truth or falsity of any given conviction.

Berger acknowledges all these problems but they do not bother him as much as perhaps they should. At a certain point the sociologist in him joins hands with the opponent of religious fanaticism in order to condone what many readers of Schleiermacher are unable to accept. For example, Berger has no particular hesitation in placing the quotation marks of relativism around the words "true" and "false" and thus makes light of the subjectivism with which Schleiermacher has justly been charged. He does so in the interests of a "mellow certainty," a substitute for the absolute conviction of absolute truth. Thereby he reveals himself as a moderate, but moderation is a moral rather than an intellectual virtue.

It is his detestation of the extreme, already evident in his treatment of Bultmann, that may be at the core of Berger's premature dismissal of modernity, even though books such as the one he has written are indisputably suffused—or infected—by typically modern assumptions. In any event, Berger seriously thinks that we have now passed beyond the confrontation between religion and modernity. The next stage is a religious "contestation"—between East and West, between Jerusalem and Benares, between religious experience as

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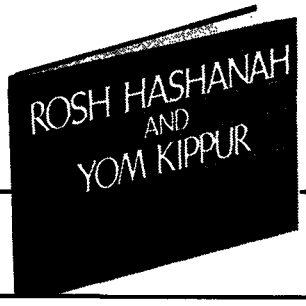

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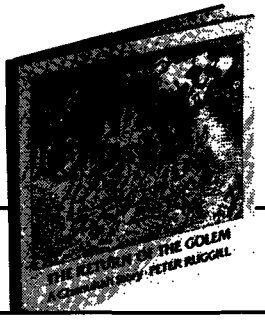

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confrontation of the divine and religious experience of the "interiority of the divine."

One can only hope that this contestation will be as peaceful as Berger envisages it. After all, religious contestations of this kind may end up as religious wars, and Machiavelli may well have been right in thinking of pious cruelty as the worst of all possible cruelty. But even if contestations are necessary, a Jew like this reviewer may doubt whether this is the right contest for Christianity at this time. Has Christianity done all it could have done in coming to terms with its parent religion, Judaism? Has it come to terms with the past of Auschwitz and the present of the state of Israel? It has not—and these are prior orders on the agenda. But it is to the credit of this volume that one wants to argue such matters with Berger and that the tone of the work makes one confident that the contestation with him, at least, would be benevolent.

Radical Jews

JEWS AND THE LEFT. By ARTHUR LIEBMAN. *Wiley. 676 pp. $17.95.*

Reviewed by BERNARD K. JOHNPOLL

For good or ill, Jews have historically been attracted in disproportionate numbers to radical movements. They have been overrepresented in virtually all organizations—even the basically Protestant Christian Social Gospel—which set as their ostensible goal a more equitable society. This has been true despite the overt anti-Semitism which often dominated these movements.

The proclivity for revolutionary change among Jews has been noted by both enemy and friend. Anti-Semites—such as Adolph Stöcker or Konstantin Pobedonestzev—used the phenomenon to decry Jews generally and to "prove" that they were plotting to control the world for their own nefarious ends. Philo-Semites—such as Walter Rauschenbusch—cited the same fact as evidence of a tradition handed down from the biblical Prophets according to which Jews are obligated to work for a City of God on earth.

There has, unfortunately, been little research into this phenomenon, especially in its American aspect, and it is this void which Arthur Liebman attempts to fill. He does a credible but flawed job. The question he asks is the key one: why did Jews become so significant a fixture on the Left in the United States? His answers are neither capricious nor indefensible, but his sources are at times less than adequate and his facts are often suspect. As for the prognosis with which he concludes his study, it is a potpourri of simplistic Marxian prophecies with virtually no historical basis.

LIEBMAN reasons that Jews in the 19th- and early 20th-century Czarist empire were alienated from Russian society because of the economic and social disabilities imposed upon them by the regime. They thus turned to the radical movements which aimed at overthrowing the hated and oppressive state. Because they were mainly urban, the Jews tended to support Marxian socialist rather than agrarian populist movements. And because they had suffered as Jews, they organized their own party—the General Jewish Workers Bund—which sought to protect their cultural heritage while forging a free, socialist Russia.

Forced to flee Russia in the early years of the 20th century, the Bundists brought their ideology with them to the United States. And here the sweatshop economy—fully 60 per cent of the Jewish immigrants worked in apparel-industry sweatshops in 1910—plus covert anti-Semitism tended to reinforce their joint commitment to *Yiddishkeit* and to socialism. As a result, the Socialist vote in Jewish districts increased between 1910 and 1917 in direct proportion as these immigrants became citizens. It culminated in the 1917 sweep of all East European Jewish districts

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in New York by Socialist candidates.

Because so many of the Jews who came to the United States in the period of mass migration—1904 to 1914—were Socialists and urban dwellers, they were more amenable to trade-union organization than were the *shtetl* Jews who had arrived during the last two decades of the 19th century. Moreover, they were more inclined to unite in "friendly" societies than were those who preceded them to this country, and they were more interested in secular news relating to workers in general as well as to Jews. The results were the growth of the strong needle-trades unions—the International Ladies Garment Workers Union and the Amalgamated Clothing Workers of America—which were the mainstays of the Socialist party, especially in New York; the development of the Workmen's Circle, the Socialist-oriented fraternal order, which had in 1917 more than ten times the membership of the B'nai B'rith in New York; and the growth of the *Jewish Daily Forward*, the Socialist-Yiddish daily whose circulation was considerably larger than that of any other foreign-language newspaper in the United States. These organizations created what Liebman aptly describes as a Jewish Socialist subculture.

There were, of course, other organizations and tendencies among the Jews. There was, as Lewis Feuer has pointed out, a vibrant Orthodox religious life on the old East Side; and there were active Zionist organizations in the Jewish ghettos of New York. They, too, were based, to a great extent, on the recent immigrants from the Russian Pale. But socialism and religion were not mutually exclusive in the United States; several Orthodox rabbis supported Socialist candidates in the elections between 1914 and 1917. Nor were the Zionists particularly anti-Socialist; in fact, more than 4,700 Zionists were self-proclaimed Socialists, members of the Poale Zion. Several thousand more belonged to the quasi-Zionist Socialist Territorialist movement.

When the Socialist party disintegrated in Jewish districts it did so for reasons having nothing to do with the United States. The two key issues were Zionism and Russia. Unfortunately, Liebman ignores the first and errs in his discussion of the second. Zionism played havoc with the Jewish Socialists. Most of them, whether assimilationists or Bundists, opposed the whole concept of a separate Jewish state, if for differing reasons, and in this they ran up against the plain sentiments of the community as a whole. As for Russia, the revolution of 1917, especially the March revolution which ousted the hated Czar and his regime, was hailed by Socialists. Few Jews may have known what the November coup by Lenin and Trotsky meant, but almost all learned from the outset that many of the leaders were of Jewish descent and upbringing, and all knew that the new regime had outlawed anti-Semitism and that it was at war with the White Armies which had perpetrated some of the most outrageous pogroms in history. Thus, when some Socialists, with Meyer London (the Socialist Congressman from the Jewish Lower East Side) in the forefront, questioned the Bolshevik seizure of power, they were pictured as virtual anti-Semites by the pro-Bolsheviks. To add to this "sin," some Socialists supported London's plea to Russia to stay in the war against Germany—a war most Jews abhorred.

The combined consequence of the dissension over Zionism and over the Bolshevik revolution was a loss in Socialist influence among Jews. All of this Liebman fails to address, except in cursory fashion, and his failure is symptomatic of a weakness in his book. Liebman uses secondary English sources almost exclusively, and these sources are often less than accurate. Since Yiddish was the language of most of the Jewish radicals, any discussion of them should require a thorough examination of Yiddish materials. There is not a single citation

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from either the *Forward* or the journal *Tsukunft*, although both were mainstays of the Jewish Socialist community and the *Tsukunft* is replete with data relating to Jews and the Left.

AFTER the Socialists, the next left-wing movement to attract American Jewish followers was Communism. Most of the Jews who went into the Communist movement did so on the assumption that the Soviets had solved the nationality problem and all that remained was to build a classless world of equality. True, the dictatorship of the proletariat was an infringement on liberty, but it was, after all, only a temporary necessity. As the years droned on and as the Soviet dictatorship became ever more repressive, newer explanations sufficed to keep many American Jews in the movement, including when the party officially supported Arab pogromists in Palestine in 1929 and 1936. Even after Stalin signed a pact with Hitler, and the Communist party indicated it favored Hitler over Chamberlain, Daladier, and Churchill, only about a quarter of the Jewish membership left, almost all of them intellectuals; Hitler's subsequent invasion of Russia put an end to even these defections.

Then in the postwar years came the Slansky trial in Czechoslovakia, which exposed the overt anti-Semitism that permeated Communist Eastern Europe; the Khrushchev revelations of Stalin's barbarity and anti-Jewish depredations; and, finally, the Communist leaders' anti-Israel and anti-Jewish polemics. These were too much for even the most dedicated Jewish Communists. The party lost almost all of its Jewish supporters. Of those who remained behind, virtually all were party functionaries.

There was a short-lived revival of the Left among American Jews—mainly young college students—during the late 1960's and early 1970's. Jewish students were disproportionately represented in the leadership of Students for a Democratic Society. But even this escapade into "revolution" was short-circuited on the issue of Jewishness versus revolution. For when the leadership of SDS and its allies in the New Left began supporting the cause of the Arabs against Israel and the Jews, many Jewish militants abandoned the movement, and thus may have helped to put an end to its institutional existence.

ANY study of the Jews and the Left should point out that the Jewish commitment to radicalism has had two dimensions, economic and ethnic. Jews have remained dedicated to the Left only so long as it has addressed both dimensions to their satisfaction. When faced with a choice between their commitment to socialism and their interest in Jewish issues, most have shown a greater attachment to the latter. This is as true of the Socialists as of the Communists and of the New Left.

All this Liebman appears to understand. But in reality he does not. For he concludes his work with a prognosis that revives the pseudo-Marxist analysis on which the Jewish Left has foundered so often before. Using a variant of Marx's discredited "immiseration" theory, he forecasts a return of American Jews to the revolutionary movement. His argument, which follows a tortuous path, postulates that middle-class Jews will become proletarianized as huge conglomerates absorb the smaller businesses with which they are now affiliated. Since Jews are still kept from positions of control in big corporations, they will find themselves once again the economic and social victims of a hostile society and will have to opt for revolutionary socialism.

This argument is on the face of it ludicrous. There may be few Jews who control large corporations (a fact attributable to earlier prejudice), but the proportion of Jewish managers in large industry is rising as education takes the place of lineage in determining positions of power in corporations, and Jews are "overrepresented" in the better graduate schools of management—Harvard, Pennsylvania, Chicago, Stanford, UCLA. Liebman also ignores the historical fact that the middle class has shown a remarkable ability to thrive even under corporate capitalism, as Eduard Bernstein demonstrated eighty years ago.

There are also errors—minor and major—of fact and comprehension throughout this huge compendium. These errors, together with the failure to use primary Yiddish sources, and the simplistic quasi-Marxist look into the future, make what could have been a definitive work one that is seriously flawed. Using Liebman's book as a point of departure, a more scrupulous scholar may yet be able to produce that definitive work.

In California

THE WHITE ALBUM. By JOAN DIDION. *Simon & Schuster. 223 pp. $9.95.*

Reviewed by JAMES Q. WILSON

JOAN DIDION—or rather the reputation of Joan Didion—is a puzzle. Her writing is praised by critics of almost every political hue, by newspapers as different as the *Wall Street Journal* and the New York *Times*, by persons who can agree on scarcely anything else. Her name has become a kind of restful incantation, the invocation of which permits antagonists who are locked in continuous dispute to pause, smile, and say that, of course, she is a splendid writer.

And she is. But talent and accomplishment do not save other writers, or other reputations, from being parceled out into the neat boxes of ideology where they are stored, like munitions, waiting to be picked up by a partisan and hurled at an opponent.

The answer cannot be that Miss Didion shuns political subjects. Her latest collection of essays offers an appreciative look at J. Paul Getty, an affectionate portrayal of water engineers paired with a devastating attack on anti-freeway transportation planners, and a characterization of liberal Hollywood political activism as a "kind of dictatorship of good intentions," a "peculiar vacant fervor." And, of

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course, there is her well-known essay on the women's movement in which she suggests that there are aspects of feminism that reveal a "narrow and cracked determinism" and numerous feminists who want romance rather than revolution.

Perhaps she is so widely admired because, though she treats of political subjects, she bases her judgments on nonpolitical grounds. Joan Didion is detached from politics and political programs; she is devoted to trying to perfect the "exploration of moral distinctions and ambiguities" out of an unsparing analysis of herself and of others. Her interview with Huey Newton recounts her largely unsuccessful effort to discover, behind the rhetoric and the issues, Huey Newton; to discover, that is, a sense of self-doubt. Her criticism of feminism is not that it is a wrong impulse—her admiring account of the tough-minded Georgia O'Keeffe belies that—but that the impulse has become a certainty, borrowing recklessly from Marx and other ideologists in a vain, and unnecessary, effort to conceal the inevitable traces of self-interest in that impulse. Miss Didion views the problem differently: "*Madame Bovary* told us more about bourgeois life than several generations of Marxists have, but there does not seem much doubt that Flaubert saw it as an artistic problem."

An artistic problem. At these words, one can barely restrain the urge to proclaim the depoliticization of art, the return to a literary sensibility, the resurrection of those walls that can protect human emotions from having to conform to doctrinal labels. Large and rather vacuous generalizations come readily to mind—"the end of the 1960's" being the most obvious. Miss Didion would be the first to suggest we pause before making such leaps; though willing to judge, she is reluctant to generalize.

And in fact, the admiring reviewers of the Left and the Right have no intention of abandoning the use of political categories as the first principles of their literary positions. No: what I suspect constitutes the appeal of her writing is not its revelation of a nonpolitical mind, but rather its willingness to surrender to the reader a large and anguished part of the author's own self.

It is the first and the longest essay in the book—"The White Album"—that has drawn the greatest attention. It is an unsparing but unsentimental account of a woman struggling with a nervous collapse and a bizarre environment in an effort to make sense of a world that seems characterized by "industrious self-delusion." It is a summary of the late 1960's: the arrest of Huey Newton, the Manson murder trial, a recording session by a rock group that proclaims its musical interests as "anything about revolt, disorder, chaos, about activity that has no meaning," and the demonstrations at San Francisco State College. The opportunities for making, out of such materials, a Big Statement are almost irresistible, yet Miss Didion resists. She reports on what she finally calls an "authentically senseless chain of correspondences" and hints that "this may be a parable," and then stops. She makes her point without stating it: a total preoccupation with self, with sensations, with experiences and "issues" is ultimately as meaningless and as crippling as a disease that systematically destroys the nervous system.

While one can admire "The White Album" for its stark, neurosurgical style, it is not for me the best essay in the book; it seems, instead, to be a clearing out of an intellectual and emotional closet to make way for the brilliant, focused essays in the remainder of the book. But Miss Didion's critical acclaim seems to rest on this first essay, suggesting that scenes of personal anguish and social disorder exert a romantic magnetism for people who enjoy believing the worst about one another, and see in every individual crisis a sign of the times.

THE core of the book is a series of essays about California and trips to and from California, written by a person who was born there and came of age in the 1950's. These few facts, filtered through the comforting prejudices that most Easterners bring to the subject, will be

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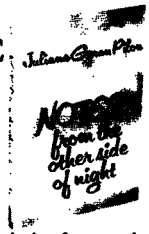

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enough to convince many persons that Miss Didion's nonpolitical perspective is to be explained by her being a product of the "Silent Generation" raised in "Lotusland." Her essays, fairly read, should destroy that bit of silliness forever. (They won't be, and thus it won't be.)

The central passage is one in which she observes of her generation that it was the last to identify with adults. An adult view of the world was that it is imperfect owing less to an error in social organization than to a defect in man's nature. The "silence" of the 1950's reflected neither self-congratulation nor fear of repression, but a suspicion of political action as a tranquilizer that temporarily masks personal inadequacies. The world of adults was ambiguous: one had to make commitments, but of necessity they would be partial ones. There was a distinctive process called Growing Up; no one supposed, save the Beatniks, that one could or should forever remain an adolescent. But to grow up meant surrendering some measure of sincerity for some measure of accomplishment. In the 1960's, one rejected the adult world, denied that growing up was either desirable or necessary, clung to sincerity (renamed "authenticity") and chose to be young, which is to say self-indulgent, forever.

The adult world of California can be divided into two broad groups: those who try to control nature for the benefit of man and those who try to control man for the benefit of nature. The first group created the freeway system, the public beaches and their superbly trained lifeguards, and the extraordinary California water system. Miss Didion gives us admiring accounts of all these in which she shows herself instinctively drawn to their creators. The second group has tried to destroy the freeway system by such absurd experiments as the Diamond Lane, a device for discouraging persons from driving on the freeways by reserving the fast inside lanes for vehicles carrying three or more persons. People did not want to drive in car pools, and as a result 25 per cent of the freeway surface was reserved for 3 per cent of the cars, all at the price of a sharp increase in auto accidents. Neither the unpopularity nor the danger of the Diamond Lane experiment discouraged its proponents, for the ultimate purpose was not to make driving easier or safer, but to produce *less driving*. The object was "to pry John Q. Public out of his car," to eliminate individual mobility. The methods were, to Miss Didion, a "foray into bureaucratic terrorism."

Beneath these rival adult camps are various kinds of children who have either denied the need to choose sides or who missed their opportunity to do so. James A. Pike, late Episcopal bishop of California, rambled "through every charlatan thicket in American life, from the Center for the Study of Democratic Institutions to the Aspen Institute of Humanistic Studies" before dying in the Jordanian desert. He thought of himself as a Westerner, but was not; what he was, was a spoiled child who acquired a knack for personal public relations. He brought self-indulgence to its pinnacle; in short, he failed to grow more spectacularly than almost anyone else of his generation.

Less celebrated and less self-centered are those members of religious cults that predict the end of the world and speak in tongues. They, too, missed out, but try to cope by inventing a more satisfactory world. On a subject ripe for heavy-handed irony or sociology, Miss Didion supplies delicate, touching imagery:

> We might have been talking in different languages, Brother Theobald and I; it was as if I knew all the words, but lacked the grammar, and so kept questioning him on points that seemed to him ineluctably clear. He seemed to be one of those people . . . forever felling trees in some interior wilderness. . . .

Others who cannot make a connection with the adult world fell trees—and people—in an exterior, and very real, wilderness. They are found in the Hell's Angels and exploited in the steady stream of biker movies. "To watch a bike movie," Miss Didion writes, "is finally to apprehend the extent to which the toleration of small irritations is no longer a trait much admired in America, the extent to which a nonexistent frustration threshold is seen not as psychopathic but as a 'right.' Kill, maim, rape—the reason is always the same: somebody is 'hassling' me."

I admire Miss Didion enormously, all the more because she has managed to retain clarity and sensitivity while living in that part of California—a very small and unrepresentative part, but, alas, a well-known part—in which so many people are devoted to perpetual childishness. It is a world of fads, drugs, and personality, where no one ever finally graduates from Hollywood High. Of all the reactions to it one might choose, she has chosen the most difficult and the most impressive—to be in it but not of it, and to use the experience to sharpen her perceptions of the larger world without ever pretending that those perceptions *are* the world:

> I could indulge here in a little idle generalization, could lay off my own state of profound emotional shock on the larger cultural breakdown, could talk fast about convulsions in the society, and alienation and anomie and maybe even assassination, but that would be just one more stylish shell game. I am not the society in microcosm. I am a thirty-four-year-old woman with long straight hair and an old bikini bathing suit and bad nerves sitting on an island in the middle of the Pacific waiting for a tidal wave that will not come.

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